

## EXHIBIT "4"

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19 REED, and COASTAL PROTECTION  
RANGERS, INC.

20

21 **UNITED STATES DISTRICT COURT**

22 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

23

24 CORY SPENCER, an individual;  
25 DIANA MILENA REED, an  
individual; and COASTAL  
26 PROTECTION RANGERS, INC., a  
California non-profit public benefit  
27 corporation,

28 CASE NO. 2:16-cv-02129-SJO (RAOx)

**PLAINTIFF DIANA MILENA REED'S  
SUPPLEMENTAL RESPONSE TO  
INTERROGATORIES, SET ONE  
PROPOUNDED BY DEFENDANT  
BRANT BLAKEMAN**

1 Plaintiffs,  
2  
3 v.

Complaint Filed: March 29, 2016  
Trial Date: November 7, 2017

4 LUNADA BAY BOYS; THE  
5 INDIVIDUAL MEMBERS OF THE  
6 LUNADA BAY BOYS, including but  
7 not limited to SANG LEE, BRANT  
8 BLAKEMAN, ALAN JOHNSTON  
9 AKA JALIAN JOHNSTON,  
10 MICHAEL RAE PAPAYANS,  
11 ANGELO FERRARA, FRANK  
12 FERRARA, CHARLIE FERRARA,  
and N. F.; CITY OF PALOS  
VERDES ESTATES; CHIEF OF  
POLICE JEFF KEPLEY, in his  
representative capacity; and DOES  
1-10.

14 Defendants.

16 | PROPOUNDING PARTY: Defendant BRANT BLAKEMAN

17 | RESPONDING PARTY: Plaintiff DIANA MILENA REED

18 || SET NO.: **SUPPLEMENTAL**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Plaintiff  
DIANA MILENA REED (“Responding Party”) hereby submits these  
supplemental objections and responses to Interrogatories, Set One,  
propounded by Defendant BRANT BLAKEMAN (“Propounding Party”).

## **PRELIMINARY STATEMENT**

Nothing in this response should be construed as an admission by Responding Party with respect to the admissibility or relevance of any fact, or of the truth or accuracy of any characterization or statement of any kind contained in Propounding Party's Interrogatories. Responding Party has not

1 completed its investigation of the facts relating to this case, its discovery or  
2 its preparation for trial. All responses and objections contained herein are  
3 based only upon information that is presently available to and specifically  
4 known by Responding Party. It is anticipated that further discovery,  
5 independent investigation, legal research and analysis will supply additional  
6 facts and add meaning to known facts, as well as establish entirely new  
7 factual conclusions and legal contentions, all of which may lead to  
8 substantial additions to, changes in and variations from the responses set  
9 forth herein. The following objections and responses are made without  
10 prejudice to Responding Party's right to produce at trial, or otherwise,  
11 evidence regarding any subsequently discovered information. Responding  
12 Party accordingly reserves the right to modify and amend any and all  
13 responses herein as research is completed and contentions are made.

14 **SUPPLEMENTAL RESPONSES TO INTERROGATORIES**

15 **INTERROGATORY NO. 1:**

16 IDENTIFY ALL PERSONS that have knowledge of any facts that  
17 support your contention that BRANT BLAKEMAN participated in any way in  
18 the "commission of enumerated 'predicate crimes'" as alleged in paragraph  
19 5 of the Complaint, and for each such PERSON identified state all facts you  
20 contend are within that PERSON's knowledge.

21 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 1:**

22 Responding Party objects to this interrogatory as premature. Because  
23 this interrogatory seeks or necessarily relies upon a contention, and  
24 because this matter is in its early stages and pretrial discovery has only just  
25 begun, Responding Party is unable to provide a complete response at this  
26 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,  
27 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at \*1; *Folz v. Union Pacific*

1 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at \*1-2.; see  
2 also Fed. R. Civ. P. 33(a)(2) (“the court may order that [a contention]  
3 interrogatory need not be answered until designated discovery is complete,  
4 or until a pretrial conference or some other time.”).

5        Responding Party further objects to this interrogatory as unduly  
6 burdensome, harassing, and duplicative of information disclosed in  
7 Responding Party’s Rule 26(a) disclosures and supplemental disclosures.  
8 Propounding Party may look to Responding Party’s Rule 26(a) disclosures  
9 and supplemental disclosures for the information sought by this  
10 interrogatory. Moreover, Responding Party had the opportunity to depose  
11 Ms. Reed on this topic.

12        Responding Party further objects to this interrogatory as compound.  
13 This “interrogatory” contains multiple impermissible subparts, which  
14 Propounding Party has propounded to circumvent the numerical limitations  
15 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

16        Responding Party further objects to this interrogatory on the grounds  
17 that it seeks information that is outside of Responding Party’s knowledge.

18        Responding Party further objects to the extent that this interrogatory  
19 invades attorney-client privilege and/or violates the work product doctrine by  
20 compelling Responding Party to disclose privileged communications and/or  
21 litigation strategy.

22        Subject to and without waiver of the foregoing objections, Responding  
23 Party responds as follows:

24        In addition to each defendant named in his individual capacity and  
25 other persons identified in Plaintiffs’ initial and Supplemental Disclosures,  
26 and the evidence submitted in support of Plaintiffs motion for class  
27 certification, Responding Party identifies the following individuals:  
28

1 Diana Reed: believes that Blakeman engaged in a concerted effort  
2 with other Bay Boys to obstruct the plaintiffs' and the public's free passage  
3 and use in the customary manner of a public space. Reed also believes that  
4 Blakeman coordinated with other Bay Boys to harass and assault the  
5 plaintiffs and the public when they were visiting Lunada Bay. Reed believes  
6 that the conduct directed at the plaintiffs and others trying to surf Lunada  
7 Bay is part of an agreement among Blakeman and the other Bay Boys,  
8 which at a minimum, may be implied by the conduct of the parties and other  
9 members of the Bay Boys. Reed believes that the Bay Boys concerted  
10 efforts to stop the public from accessing the beach are documented in text  
11 messages and emails some of which have been destroyed or are being  
12 withheld by the Defendants in this case. For example, on February 5, 2016,  
13 Charles Mowat sent a text message to Defendant Brant Blakeman, Tom  
14 Sullivan, David Yoakley, Andy Patch, Defendant Michael Papayans and  
15 several others that said "There are 5 kooks standing on the bluff taking  
16 pictures...I think that same Taloa guy. Things could get ugly." A Los Angeles  
17 Times photographer captured a picture of Defendant Blakeman of the bluff  
18 filming plaintiffs. Plaintiffs believe that the Bay Boys take photos and/or  
19 video tape people as a form of harassment and intimidation. Plaintiffs are  
20 also informed and believe that a Lunada Bay local named Joshua Bernstein  
21 was taking pictures at the MLK 2014 paddle out. Plaintiffs are also informed  
22 and believe that Bernstein told several people after he photographed them,  
23 "Now we know who you are." Plaintiffs believe that the conduct directed at  
24 Reed by Blakeman and the individual Bay Boys is because she is a woman.  
25 Plaintiff is informed and believes that there are numerous text messages  
26 where the Bay Boys refer to Reed as a "bitch" and make sexual comments  
27 about her.

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1       The specific acts directed against Reed include but are not limited to  
2 the following:

3           i)      Reed went to Lunada Bay on January 29, 2016 with Jordan  
4 Wright.<sup>1</sup> Reed had intended to surf at Lunada Bay that day because the  
5 conditions were such that she felt comfortable surfing. Immediately after  
6 they parked their car along the bluffs, the harassment began. Several men  
7 drove by and circled around their car. This was the day that she and Wright  
8 were harassed and intimidated by David Melo. Blakeman was recording  
9 them on land with his camera. It was very disturbing to Reed and made her  
10 feel very uncomfortable. Plaintiffs are informed and believe that this was  
11 witnessed by John MacHarg.<sup>2</sup>

12          ii)     On or about February 12, 2016, The Los Angeles Times  
13 published an article called “Bay Boys surfer gang cannot block access to  
14 upscale beach, Coastal Commission says.” Jordan Wright and Cory  
15 Spencer are quoted in the article. Mr. Wright and a few others had planned  
16 to surf Lunada Bay the following morning. Plaintiffs are informed and believe  
17 that Defendants Johnston and Blakeman learned that Jordan Wright and  
18 Diana Reed were going to Lunada Bay and planned to be there to harass  
19 them. On February 12, 2016, Defendant Alan Johnston sent the following  
20 text messages to an unknown recipient: “No fucking way Taloa is back this  
21 year” and “If u really wanna be a bay boy we might meet help tomm.”

22          iii)    On February 13, 2016, Reed returned to Lunada Bay with  
23 Jordan Wright to watch him surf and take photographs. Prior to her arrival,  
24 she contacted the Palos Verdes Estates Police and requested an escort

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27          <sup>1</sup> Jordan Wright is represented by Hanson Bridgett LLP and Otten Law PC.

28          <sup>2</sup> John McHarg is represented by Hanson Bridgett LLP and Otten Law PC.

1 from the bluffs to the beach. She was concerned about her safety given the  
2 January 29, 2016 incident. She was told that the police were unavailable  
3 and no officers were present when they arrived.

4       When Reed and Wright reached the beach, they encountered angry  
5 locals who were yelling at them. Reed and Wright ignored the harassment  
6 and Wright got into the water to surf and Reed made her way to the Rock  
7 Fort where she planned to watch Wright and photograph him.

8       Approximately two hours after Reed had arrived at Lunada Bay, while  
9 she was standing in the Rock Fort taking photos, Blakeman and defendant  
10 Alan Johnston rushed into the fort and ran towards her in a hostile and  
11 aggressive manner. It seemed that they had coordinated and orchestrated  
12 the attack which completely caught Reed off guard. Blakeman was filming  
13 Reed again, and at times, held his camera right in her face. It was  
14 intimidating and harassing to Reed, and she feared for her safety.

15       Reed asked Blakeman and Johnston why they were filming her,  
16 because it made her uncomfortable. Blakeman responded, "because I feel  
17 like it." Johnston responded, "Because you're hot. Because you're fucking  
18 sexy baby, woohoo!" Johnston then opened a can of beer in a purposeful  
19 way so that it sprayed Reed's arm and her camera. Reed, paralyzed with  
20 fear, was unable to leave the Rock Fort as Blakeman and Johnston were  
21 standing closest to the exit.

22       iv) Plaintiffs are informed and believe that after the incident  
23 Defendant Johnston started calling and/or texting other Lunada Bay locals to  
24 check for police to plan a getaway. At around 1:00 pm Brad Travers (Travers  
25 Tree Service) texted Johnston: "Don't see any cops at the top." Plaintiffs are  
26 informed and believe that later that day Johnston received a text from his  
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1 mother asking him "What happened at the bay?" Johnston replied "Nothing  
2 happened really just couple of trolls they got nothing."

3 Reed further identifies the following individuals as having knowledge of  
4 concerted efforts by the Bay Boys, including Blakeman:

5 Cory Spencer: Cory Spencer and Chris Taloa went to surf Lunada  
6 Bay. Almost instantly after they arrived at Lunada Bay, they started getting  
7 harassed by Bay Boys. They were told that they couldn't surf there, and  
8 Spencer was called a "kook," which is a derogatory surfing term. Spencer  
9 was also told: "why don't you fucking go home, you fucking kook;" and was  
10 asked, "how many other good places did you pass to come here?" These  
11 are the same types of statements made by Defendant Sang Lee and others  
12 that can be observed on the video published by the Guardian.<sup>3</sup> These  
13 taunts started while Spencer and Taloa were on the bluffs getting ready to  
14 surf. One individual continued to heckle Spencer and Taloa on their way  
15 down to the beach and into the water.

16 Blakeman was already in the water and began paddling around  
17 Spencer and Taloa in a tight circle – staying just a few feet away from them.  
18 There was no legitimate reason for this conduct. Reed believes that this is a  
19 tactic used by the Bay Boys to harass people.<sup>4</sup> Blakeman impeded  
20 Spencer's movement in any direction and was intentionally blocking him  
21 from catching any waves. It was clear to Spencer that Blakeman was not  
22 there to surf that morning. Instead, his mission was to prevent Spencer and

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25 <sup>3</sup> <https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video>.

26 <sup>4</sup> Plaintiffs are informed and believe that Defendant Papayans sent a text  
27 message describing similar conduct: "We just had a kook out in the water  
28 and me and Jack just sat on his ass."

1 Taloa from surfing and to keep them from enjoying their time in the water,  
2 the open space, the waves, and nature. This the type of concerted effort was  
3 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep  
4 people from surfing at Lunada Bay. In the approximately 90 minutes that  
5 Spencer was in the water that day, Blakeman was focused on Spencer and  
6 Taloa and continued to shadow their movements and sit uncomfortably  
7 close to them. Spencer had never experienced anything like that before in  
8 his life. It was bizarre but also incredibly frightening and disturbing. It  
9 appeared to Spencer that Blakeman was coordinating his actions with a  
10 group of guys who were standing in the Rock Fort, along with others in the  
11 water. They were all talking to each other and it was clear they all knew  
12 each other.

13 At one point while Spencer was in the water and was paddling west  
14 out to the ocean, he saw a man surfing, coming in east towards the shore.  
15 The Bay Boy ran over his hand/wrist that was holding his surfboard and one  
16 of the fins on his surfboard sliced open his right wrist. Spencer has about a  
17 half-inch scar from where this man ran him over. As soon as the Bay Boy  
18 ran him over, he started berating Spencer, saying things like "what are you  
19 fucking doing out here? I told you to go home. I should have run you over.  
20 Why are you paddling in the sun glare where I can't see you?" The Bay Boy  
21 was pretending that he didn't see Spencer but it was obvious that he did and  
22 intentionally ran him over. With over 30 years of surfing experience, Spencer  
23 knew that this collision was intentional on his part. Fearful of being further  
24 injured at that point, and not wanting to get into an argument with him,  
25 Spencer just paddled away. Spencer and Taloa caught one more wave after  
26 that and then decided it was getting too dangerous to surf. More men started  
27 showing up at the Rock Fort and Spencer and Taloa were growing  
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1 increasingly fearful for their safety. Spencer was also bleeding and in pain.  
2 These incidents are described in the declarations filed with Plaintiffs' motion  
3 for class certification and the deposition of Spencer.

4       Christopher Taloa<sup>5</sup>: As set forth above, Taloa and Spencer went  
5 surfing at Lunada Bay and were harassed by Blakeman. Taloa witnessed  
6 Blakeman shadowing Spencer's movement in the water. Blakeman was in  
7 the water with four or five other Lunada Bay Locals. At one point, Blakeman  
8 paddled toward Taloa, at which point Taloa told him that he was too close.  
9 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."  
10 Taloa kept moving in the water, and Blakeman attempted to keep up with  
11 him but was not in good enough shape to do so.

12       Jen Bell: The incident described above was witnessed by a woman  
13 named Jen Bell who had gone to Lunada Bay that same day to photograph  
14 a guy from Malibu. When she attempted sit down on the beach with her  
15 pack, a man said: "You are practically sitting in a men's locker-room. You  
16 don't make me feel comfortable." Bell continued to sit there for another 10  
17 minutes because she refused to be intimidated but eventually decided to head  
18 over to the fort because she saw another woman, Diana Reed, was taking  
19 photos. Bell was in the Rock Fort when Blakeman and Johnston arrived. It  
20 was obvious from the start that Johnston and Blakeman were there with the  
21 intent to harass Reed. Johnston was making rude comments to both her and  
22 Reed. Blakeman was putting the GoPro in their faces. Johnston was  
23 chugging multiple beers and it was early in the morning. Johnston asked her  
24 to help him with his wetsuit. He said "Can you help me with this?" and  
25 handed her the leg of his wetsuit. Johnston made moaning sounds when

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27 <sup>5</sup> Mr. Taloa is represented by Hanson Bridgett LLP and Otten Law PC.  
28 (footnote continued)

1 she took it like he was having an orgasm.

2       Jordan Wright<sup>6</sup>: Wright attempted to surf Lunada Bay in January 2015  
3 with Chris Claypool and Kenneth Claypool. He observed Blakeman  
4 harassing Chris and Ken. Wright was sitting on the outside waiting his turn  
5 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-  
6 foot-high wave and was up riding for several seconds. Alan Johnston  
7 paddled the wrong way on this wave, dropped in on him going the wrong  
8 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer  
9 while going the wrong way violates normal surf etiquette. Johnston then  
10 collided with Wright, and their leashes got tangled. After they surfaced from  
11 the collision, Johnston then got close to Wright and yelled, "You had to  
12 fucking take that wave, didn't you!" The next wave that came through then  
13 broke Wright's leash plug and the board was carried into the rocks, which  
14 destroyed a new surfboard. Wright had to swim in over rocks to get his  
15 board and cut his hands on the rocks doing so. Wright is confident that  
16 Johnston attempted to purposefully injure him. What he did was extremely  
17 dangerous.

18       Wright has observed Blakeman on many occasions. Blakeman is easy  
19 to identify because he rides a kneeboard and he is regularly filming visitors  
20 on land with a camcorder. Wright believes his filming is an effort to intimidate  
21 visitors. In the water, Wright has observed what appears to be Blakeman  
22 directing other Bay Boys to sit close to visiting surfers. Wright has observed  
23 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to  
24 the visitors, impede their movements, block their surfing, kick at them,  
25 splash water at them, and dangerously drop in on them. In addition to

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27       <sup>6</sup> Mr. Wright, Chris Claypool and Ken Claypool are represented by Hanson  
28 Bridgett LLP and Otten Law PC.

1 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,  
2 Charlie Ferrara, and David Melo engage in this activity. These incidents are  
3 described in the declarations filed with Plaintiffs' motion for class  
4 certification.

5 Ken Claypool: has been harassed and filmed by Blakeman in an  
6 attempt to intimidate him at Lunada Bay on multiple occasions. In January  
7 2015, Claypool and his brother Chris Claypool along with Jordan Wright  
8 went to surf Lunada Bay. There were about five Lunada Bay locals in the  
9 water, including Blakeman who paddled over and threatened them. Claypool  
10 observed Blakeman intentionally drop in on Wright at least twice.

11 On February 5, 2016, Claypool went to Lunada Bay with Chris Taloa  
12 and Jordan Wright. There was a photographer from the Los Angeles Times  
13 that was there. Also in attendance was Cory Spencer and Diana Reed.  
14 Spencer was there to watch the cars. Blakeman was there filming in an  
15 effort to intimidate visitors. Blakeman can be seen in one of the pictures  
16 taken by the photographer. Also present was Defendant Papayans. Plaintiffs  
17 are informed and believe that there was a text message sent that day to  
18 Papayans, Michael Theil and 11 other people stating that there were 5  
19 kooks standing on the bluff taking pictures, including Taloa. Plaintiffs are  
20 informed that the text states: "Things could get ugly." These incidents are  
21 described in the declarations filed with Plaintiffs' motion for class  
22 certification.

23 Chris Claypool: he and his brother Ken and Jordan Wright attempted  
24 to surf Lunada Bay in January 2015. There were about five locals in the  
25 water, including Blakeman who paddled over and was yelling, "Try and catch  
26 a wave and see what happens. There is no fucking way you are getting a  
27 wave. Just go in. Just go. You better not cut me off." Blakeman looked

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1 possessed or possibly on drugs. His behavior got more bizarre throughout  
2 the morning. He seemed to be paddling for every wave that he could  
3 physically push himself into, perhaps to make a point, but he was wiping out  
4 a lot and falling down the face and tumbling across the rock reef. Blakeman  
5 looked dangerous to himself. When Blakeman would actually catch a wave  
6 in, he would paddle back to where Claypool and his brother were sitting, and  
7 continue his insane rant. On one occasion, Blakeman came less than 12  
8 inches from Claypool's ear and was screaming. It was so loud, Claypool had  
9 to put his fingers in his ear to protect them from being damaged. Claypool is  
10 a sound engineer and to put this in perspective, a rock concert creates about  
11 120 decibels of noise - this was louder; a jet engine creates about 150  
12 decibels. At one point Blakeman caught a wave and drew a line aiming right  
13 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"  
14 as he narrowly missed Claypool's head. Claypool watched as Blakeman  
15 intentionally dropped in on Jordan at least twice. It seemed obvious to  
16 Claypool that Blakeman and the other Bay Boy wanted to make sure none of  
17 them were having fun. Because of the danger, they decided to leave.

18       When Claypool and his brother got out of water, they saw people  
19 gathering on top of the cliff. One person was videotaping them from the top  
20 of the cliff; it was clear to Claypool that he was doing this to try and  
21 intimidate them. The people were watching them from the cliff. It was  
22 obvious that Blakeman engaged in a concerted effort with other Bay Boys to  
23 obstruct his free passage and use in the customary manner of a public  
24 space. It also seemed clear that Blakeman engaged in a concerted effort  
25 with other Bay Boys to try and injure him. These incidents are described in  
26 the declarations filed with Plaintiffs' motion for class certification.

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1        Jason Gersch:<sup>7</sup> While observing the surf, Gersch was approached by  
2 two local Bay Boys named Peter McCollum and Brant Blakeman. These  
3 individuals made it known to Gersch that he could not surf there. These  
4 incidents are described in the declarations filed with Plaintiffs' motion for  
5 class certification.

6        Plaintiffs are informed and believe and on that basis allege that  
7 Defendant Blakeman and his attorneys are attempting to intimidate  
8 witnesses in this case. On at least two occasions, an investigator hired by  
9 Blakeman's attorneys contacted witnesses represented by Plaintiffs'  
10 attorneys. The investigator also showed up at the home of a reporter that  
11 has not been listed as a witness.

12       The request is premature. Because Blakeman and the other  
13 defendants are refusing to comply with their obligations to produce  
14 documents under the federal rules and are impermissibly withholding  
15 evidence and/or possibly spoiling evidence, we are not able to fully  
16 respond to discovery requests which necessarily rely on our ability to fully  
17 investigate the facts. As discovery is continuing, Reed reserves the right to  
18 update this response.

19 **INTERROGATORY NO. 2:**

20       IDENTIFY ALL PERSONS that have knowledge of any facts that  
21 support your contention in paragraph 7 of the Complaint that BRANT  
22 BLAKEMAN "is responsible in some manner for the Bane Act violations and  
23 public nuisance described in the Complaint" and for each such PERSON  
24 identified state all facts you contend are within that PERSON's knowledge.

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28 <sup>7</sup> Mr. Gersch is represented by Hanson Bridgett LLP and Otten Law PC.

1 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2:**

2        Responding Party objects to this interrogatory as premature. Because  
3 this interrogatory seeks or necessarily relies upon a contention, and  
4 because this matter is in its early stages and pretrial discovery has only just  
5 begun, Responding Party is unable to provide a complete response at this  
6 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,  
7 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at \*1; *Folz v. Union Pacific*  
8 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at \*1-2.; see  
9 also Fed. R. Civ. P. 33(a)(2) (“the court may order that [a contention]  
10 interrogatory need not be answered until designated discovery is complete,  
11 or until a pretrial conference or some other time.”).

12        Responding Party further objects to this interrogatory as unduly  
13 burdensome, harassing, and duplicative of information disclosed in  
14 Responding Party’s Rule 26(a) disclosures and supplemental disclosures.  
15 Propounding Party may look to Responding Party’s Rule 26(a) disclosures  
16 and supplemental disclosures for the information sought by this  
17 interrogatory. Moreover, Responding Party had the opportunity to depose  
18 Ms. Reed on this topic.

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20 This “interrogatory” contains multiple impermissible subparts, which  
21 Propounding Party has propounded to circumvent the numerical limitations  
22 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

23        Responding Party further objects to this interrogatory on the grounds  
24 that it seeks information that is outside of Responding Party’s knowledge.

25        Responding Party further objects to the extent that this interrogatory  
26 invades attorney-client privilege and/or violates the work product doctrine by  
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1 compelling Responding Party to disclose privileged communications and/or  
2 litigation strategy.

3 Subject to and without waiver of the foregoing objections, Responding  
4 Party responds as follows:

5 In addition to each defendant named in his individual capacity and  
6 other persons identified in Plaintiff's Initial and Supplemental Disclosures,  
7 and the evidence submitted in support of Plaintiffs' motion for class  
8 certification, Responding Party identifies the following individuals:

9 Diana Reed: believes that Blakeman engaged in a concerted effort  
10 with other Bay Boys to obstruct the plaintiffs' and the publics' free passage  
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14 that the conduct directed at the plaintiffs and others trying to surf Lunada  
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17 members of the Bay Boys. Reed believes that the Bay Boys concerted  
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19 messages and emails some of which have been destroyed or are being  
20 withheld by the Defendants in this case. For example, on February 5, 2016,  
21 Charles Mowat sent a text message to Defendant Brant Blakeman, Tom  
22 Sullivan, David Yoakley, Andy Patch, Defendant Michael Papayans and  
23 several others that said "There are 5 kooks standing on the bluff taking  
24 pictures...I think that same Taloa guy. Things could get ugly.." A Los  
25 Angeles Times photographer captured a pictured of Defendant Blakeman of  
26 the bluff filming plaintiffs. Plaintiffs believe that the Bay Boys take photos  
27 and/or video tape people as a form of harassment and intimidation. For  
28

1 example, plaintiffs are also informed and believe that a Lunada Bay local  
2 named Joshua Berstein was taking pictures at the MLK 2014 paddle out.  
3 Plaintiffs are also informed and believe that Berstein told several people  
4 after he photographed them, "Now we know who you are." Plaintiffs believe  
5 that the conducted directed at Reed by Blakeman and the individual Bay  
6 Boys is because she is a woman. Plaintiff is informed and believes that there  
7 are numerous text messages where the Bay Boys refer to Reed as a "bitch"  
8 and make sexual comments about her.

9         The specific acts directed against Reed include but are not limited to  
10 the following:

11           i)       Reed went to Lunada Bay on January 29, 2016 with Jordan  
12 Wright. Reed had intended to surf at Lunada Bay that day because the  
13 conditions were such that she felt comfortable surfing immediately after they  
14 parked their car along the bluffs, the harassment began. Several men drove  
15 by and circled around their car. This was the day that she and Wright were  
16 harassed and intimidated by David Melo. Blakeman was recording them on  
17 land with his camera. It was very disturbing to Reed and made her feel very  
18 uncomfortable. Plaintiffs are informed and believe that this was witnessed by  
19 John MacHarg.

20           ii)      On or about February 12, 2016, The Los Angeles Times  
21 published an article called "Bay Boys surfer gang cannot block access to  
22 upscale beach, Coastal Commission says." Jordan Wright and Cory  
23 Spencer are quoted in the article. Mr. Wright and a few others had planned  
24 to surf Lunada Bay the following morning. Plaintiffs are informed and believe  
25 that Defendants Johnston and Blakeman learned that Jordan Wright and  
26 Diana Reed were going to Lunada Bay and planned to be there to harass  
27 them. On February 12, 2016, Defendant Alan Johnston sent the following  
28

1 text messages to an unknown recipient: "No fucking way Taloa is back this  
2 year" and "If u really wanna be a bay boy we might meet help tomm."

3       iii) On February 13, 2016, Reed returned to Lunada Bay with  
4 Jordan Wright to watch him surf and take photographs. Prior to her arrival,  
5 she contacted the Palos Verdes Estates Police and requested an escort  
6 from the bluffs to the beach. She was concerned about her safety given the  
7 January 29, 2016 incident. She was told that the police were unavailable  
8 and no officers were present when they arrived.

9           When Reed and Wright reached the beach, they encountered angry  
10 locals who were yelling at them. Reed and Wright ignored the harassment  
11 and Wright got into the water to surf and Reed made her way to the Rock  
12 Fort where she planned to watch Wright and photograph him.

13           Approximately two hours after Reed had arrived at Lunada Bay, while  
14 she was standing in the Rock Fort taking photos, Blakeman and defendant  
15 Alan Johnston rushed into the fort and ran towards her in a hostile and  
16 aggressive manner. It seemed that they had coordinated and orchestrated  
17 the attack which completely caught Reed off guard. Blakeman was filming  
18 Reed again, and at times, held his camera right in her face. It was  
19 intimidating and harassing to Reed, and she feared for her safety.

20           Reed asked Blakeman and Johnston why they were filming her,  
21 because it made her uncomfortable. Blakeman responded, "because I feel  
22 like it." Johnston responded, "because you're hot. Because you're fucking  
23 sexy baby, wooh!" Johnston then opened a can of beer in a purposeful  
24 way so that it sprayed Reed's arm and her camera. Reed, paralyzed with  
25 fear, was unable to leave the Rock Fort as Blakeman and Johnston were  
26 standing closest to the exit.

27       ///

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1

2           iv) Plaintiffs are informed and believe that after the incident  
3 Defendant Johnston started calling and/or texting other Lunada Bay locals to  
4 check for police to plan a getaway. At around 1:00 pm Brad Travers (Travers  
5 Tree Service) texted Johnston: "Don't see any cops at the top." Plaintiffs are  
6 informed and believe that later that day Johnston received a text from his  
7 mother asking him "What happened at the bay?" Johnston replied "Nothing  
8 happened really just couple of trolls they got nothing."

9           Reed further identifies the following individuals as having knowledge of  
10 concerted efforts by the Bay Boys, including Blakeman:

11           Cory Spencer: Cory Spencer and Chris Taloa went to surf Lunada  
12 Bay. Almost instantly after they arrived at Lunada Bay, they started getting  
13 harassed by Bay Boys. They were told that they couldn't surf there, and  
14 Spencer was called a "kook," which is a derogatory surfing term. Spencer  
15 was also told: "why don't you fucking go home, you fucking kook;" and was  
16 asked, "how many other good places did you pass to come here?" These  
17 are the same types of statements made by Defendant Sang Lee and others  
18 that can be observed on the video published by the Guardian.<sup>8</sup> These  
19 taunts started while Spencer and Taloa were on the bluffs getting ready to  
20 surf. One individual continued to heckle Spencer and Taloa on their way  
21 down to the beach and into the water.

22           Blakeman was already in the water and began paddling around  
23 Spencer and Taloa in a tight circle – staying just a few feet away from them.  
24 There was no legitimate reason for this conduct. Reed believes that this is a  
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26           

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27           <sup>8</sup> <https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video>.

28 (footnote continued)

1 tactic used by the Bay Boys to harass people.<sup>9</sup> Blakeman impeded  
2 Spencer's movement in any direction and was intentionally blocking him  
3 from catching any waves. It was clear to Spencer that Blakeman was not  
4 there to surf that morning. Instead, his mission was to prevent Spencer and  
5 Taloa from surfing and to keep them from enjoying their time in the water,  
6 the open space, the waves, and nature. This the type of concerted effort was  
7 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep  
8 people from surfing at Lunada Bay. In the approximately 90 minutes that  
9 Spencer was in the water that day, Blakeman was focused on Spencer and  
10 Taloa and continued to shadow their movements and sit uncomfortably  
11 close to them. Spencer had never experienced anything like that before in  
12 his life. It was bizarre but also incredibly frightening and disturbing. It  
13 appeared to Spencer that Blakeman was coordinating his actions with a  
14 group of guys who were standing in the Rock Fort, along with others in the  
15 water. They were all talking to each other and it was clear they all knew  
16 each other.

17 At one point while Spencer was in the water and was paddling west  
18 out to the ocean, he saw a man surfing, coming in east towards the shore.  
19 The Bay Boy ran over his hand/wrist that was holding his surfboard and one  
20 of the fins on his surfboard sliced open his right wrist. Spencer has about a  
21 half-inch scar from where this man ran him over. As soon as the Bay Boy  
22 ran him over, he started berating Spencer, saying things like "what are you  
23 fucking doing out here? I told you to go home. I should have run you over.  
24 Why are you paddling in the sun glare where I can't see you?" The Bay Boy

25 \_\_\_\_\_  
26 <sup>9</sup> Plaintiffs are informed and believe that Defendant Papayans sent a text  
27 message describing similar conduct: "We just had a kook out in the water  
28 and me and Jack just sat on his ass."

1 was pretending that he didn't see Spencer but it was obvious that he did and  
2 intentionally ran him over. With over 30 years of surfing experience, Spencer  
3 knew that this collision was intentional on his part. Fearful of being further  
4 injured at that point, and not wanting to get into an argument with him,  
5 Spencer just paddled away. Spencer and Taloa caught one more wave after  
6 that and then decided it was getting too dangerous to surf. More men started  
7 showing up at the Rock Fort and Spencer and Taloa were growing  
8 increasingly fearful for their safety. Spencer was also bleeding and in pain.  
9 These incidents are described in the declarations filed with Plaintiffs' motion  
10 for class certification and the deposition of Spencer.

11       Christopher Taloa: As set forth above, Taloa and Spencer went surfing  
12 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman  
13 shadowing Spencer's movement in the water. Blakeman was in the water  
14 with four or five other Lunada Bay Locals. At one point, Blakeman paddled  
15 toward Taloa, at which point Taloa told him that he was too close.  
16 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."  
17 Taloa kept moving in the water, and Blakeman attempted to keep up with  
18 him but was not in good enough shape to do so.

19       Jen Bell: The incident described above was witnessed by a woman  
20 named Jen Bell who had gone to Lunada Bay that same day to photograph  
21 a guy from Malibu. When she attempted sit down on the beach with her  
22 pack, a man said: "You are practically sitting in a men's locker-room. You  
23 don't make me feel comfortable." Bell continued to sit there for another 10  
24 minutes because she refused to be intimidated but eventually decided to head  
25 over to the fort because she saw another woman, Diana Reed, was taking  
26 photos. Bell was in the Rock Fort when Blakeman and Johnston arrived. It  
27 was obvious from the start that Johnston and Blakeman were there with the  
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1 intent to harass Reed. Johnston was making rude comments to both her and  
2 Reed. Blakeman was putting the GoPro in their faces. Johnston was  
3 chugging multiple beers and it was early in the morning. Johnston asked her  
4 to help him with his wetsuit. He said "Can you help me with this?" and  
5 handed her the leg of his wetsuit. Johnston made moaning sounds when  
6 she took it like he was having an orgasm.

7       Jordan Wright: Wright attempted to surf Lunada Bay in January 2015  
8 with Chris Claypool and Kenneth Claypool. He observed Blakeman  
9 harassing Chris and Ken. Wright was sitting on the outside waiting his turn  
10 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-  
11 foot-high wave and was up riding for several seconds. Alan Johnston  
12 paddled the wrong way on this wave, dropped in on him going the wrong  
13 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer  
14 while going the wrong way violates normal surf etiquette. Johnston then  
15 collided with Wright, and their leashes got tangled. After they surfaced from  
16 the collision, Johnston then got close to Wright and yelled, "You had to  
17 fucking take that wave, didn't you!" The next wave that came through then  
18 broke Wright's leash plug and the board was carried into the rocks, which  
19 destroyed a new surfboard. Wright had to swim in over rocks to get his  
20 board and cut his hands on the rocks doing so. Wright is confident that  
21 Johnston attempted to purposefully injure him. What he did was extremely  
22 dangerous.

23       Wright has observed Blakeman on many occasions. Blakeman is easy  
24 to identify because he rides a kneeboard and he is regularly filming visitors  
25 on land with a camcorder. Wright believes his filming is an effort to intimidate  
26 visitors. In the water, Wright has observed what appears to be Blakeman  
27 directing other Bay Boys to sit close to visiting surfers. Wright has observed  
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1 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to  
2 the visitors, impede their movements, block their surfing, kick at them,  
3 splash water at them, and dangerously drop in on them. In addition to  
4 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,  
5 Charlie Ferrara, and David Melo engage in this activity. These incidents are  
6 described in the declarations filed with Plaintiffs' motion for class  
7 certification.

8       Ken Claypool: has been harassed and filmed by Blakeman in an  
9 attempt to intimidate him at Lunada Bay on multiple occasions. In January  
10 2015, Claypool and his brother Chris Claypool along with Jordan Wright  
11 went to surf Lunada Bay. There were about five Lunada Bay locals in the  
12 water, including Blakeman who paddled over and threatened them. Claypool  
13 observed Blakeman intentionally drop in on Wright at least twice.

14       On February 5, 2016, Claypool went to Lunada Bay with Chris Taloa  
15 and Jordan Wright. There was a photographer from the Los Angeles Times  
16 that was there. Also in attendance was Cory Spencer and Diana Reed.  
17 Spencer was there to watch the cars. Blakeman was there filming in an  
18 effort to intimidate visitors. Blakeman can be seen in one of the pictures  
19 taken by the photographer. Also present was Defendant Papayans. Plaintiffs  
20 are informed and believe that there was a text message sent that day to  
21 Papayans, Michael Theil and 11 other people stating that there were 5  
22 kooks standing on the bluff taking pictures, including Taloa. Plaintiffs are  
23 informed that the text states: "Things could get ugly. We all need to surf."  
24 These incidents are described in the declarations filed with Plaintiffs' motion  
25 for class certification.

26       Chris Claypool: he and his brother Ken and Jordan Wright attempted  
27 to surf Lunada Bay in January 2015. There were about five locals in the  
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1 water, including Blakeman who paddled over and was yelling, "Try and catch  
2 a wave and see what happens. There is no fucking way you are getting a  
3 wave. Just go in. Just go. You better not cut me off." Blakeman looked  
4 possessed or possibly on drugs. His behavior got more bizarre throughout  
5 the morning. He seemed to be paddling for every wave that he could  
6 physically push himself into, perhaps to make a point, but he was wiping out  
7 a lot and falling down the face and tumbling across the rock reef. Blakeman  
8 looked dangerous to himself. When Blakeman would actually catch a wave  
9 in, he would paddle back to where Claypool and his brother were sitting, and  
10 continue his insane rant. On one occasion, Blakeman came less than 12  
11 inches from Claypool's ear and was screaming. It was so loud, Claypool had  
12 to put his fingers in his ear to protect them from being damaged. Claypool is  
13 a sound engineer and to put this in perspective, a rock concert creates about  
14 120 decibels of noise - this was louder; a jet engine creates about 150  
15 decibels. At one point Blakeman caught a wave and drew a line aiming right  
16 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"  
17 as he narrowly missed Claypool's head. Claypool watched as Blakeman  
18 intentionally dropped in on Jordan at least twice. It seemed obvious to  
19 Claypool that Blakeman and the other Bay Boy wanted to make sure none of  
20 them were having fun. Because of the danger, they decided to leave.

21       When Claypool and his brother got out of water, they saw people  
22 gathering on top of the cliff. One person was videotaping them from the top  
23 of the cliff; it was clear to Claypool that he was doing this to try and  
24 intimidate them. The people were watching them from the cliff. It was  
25 obvious that Blakeman engaged in a concerted effort with other Bay Boys to  
26 obstruct his free passage and use in the customary manner of a public  
27 space. It also seemed clear that Blakeman engaged in a concerted effort

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1 with other Bay Boys to try and injure him. These incidents are described in  
2 the declarations filed with Plaintiffs' motion for class certification.

3       Jason Gersch: While observing the surf, Gersch was approached by  
4 two local Bay Boys named Peter McCollum and Brant Blakeman. These  
5 individuals made it known to Gersch that he could not surf there. These  
6 incidents are described in the declarations filed with Plaintiffs' motion for  
7 class certification.

8       Plaintiffs are informed and believe and on that basis allege that  
9 Defendant Blakeman and his attorneys are attempting to intimidate  
10 witnesses in this case. On at least two occasions, an investigator hired by  
11 Blakeman's attorneys contacted witnesses represented by Plaintiffs'  
12 attorneys. The investigator also showed up at the home of a reporter that  
13 has not been listed as a witness.

14       The request is premature. Because Blakeman and the other  
15 defendants are refusing to comply with their obligations to produce  
16 documents under the federal rules and are impermissibly withholding  
17 evidence and/or possibly spoliating evidence, we are not able to fully  
18 respond to discovery requests which necessarily rely on our ability to fully  
19 investigate the facts. As discovery is continuing, Reed reserves the right to  
20 update this response.

21 **INTERROGATORY NO. 3:**

22       IDENTIFY ALL PERSONS that have knowledge of any facts that  
23 support your contention in paragraph 18 of the Complaint that BRANT  
24 BLAKEMAN "sell[s] market[s] and use[s] illegal controlled substances from  
25 the Lunada Bay Bluffs and the Rock Fort" and for each such PERSON  
26 identified state all facts you contend are within the PERSON's knowledge.

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1 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 3:**

2        Responding Party objects to this interrogatory as premature. Because  
3 this interrogatory seeks or necessarily relies upon a contention, and  
4 because this matter is in its early stages and pretrial discovery has only just  
5 begun, Responding Party is unable to provide a complete response at this  
6 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,  
7 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at \*1; *Folz v. Union Pacific*  
8 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at \*1-2.; see  
9 also Fed. R. Civ. P. 33(a)(2) (“the court may order that [a contention]  
10 interrogatory need not be answered until designated discovery is complete,  
11 or until a pretrial conference or some other time.”).

12        Responding Party further objects to this interrogatory as unduly  
13 burdensome, harassing, and duplicative of information disclosed in  
14 Responding Party’s Rule 26(a) disclosures and supplemental disclosures.  
15 Propounding Party may look to Responding Party’s Rule 26(a) disclosures  
16 and supplemental disclosures for the information sought by this  
17 interrogatory. Moreover, Responding Party had the opportunity to depose  
18 Ms. Reed on this topic.

19        Responding Party further objects to this interrogatory as compound.  
20 This “interrogatory” contains multiple impermissible subparts, which  
21 Propounding Party has propounded to circumvent the numerical limitations  
22 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

23        Responding Party further objects to this interrogatory on the grounds  
24 that it seeks information that is outside of Responding Party’s knowledge.

25        Responding Party further objects to the extent that this interrogatory  
26 invades attorney-client privilege and/or violates the work product doctrine by  
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1 compelling Responding Party to disclose privileged communications and/or  
2 litigation strategy.

3 Subject to and without waiver of the foregoing objections, Responding  
4 Party responds as follows:

5 In addition to each defendant named in his individual capacity and  
6 other persons identified in Plaintiffs' Initial and Supplemental Disclosures,  
7 and the evidence submitted in support of Plaintiffs' motion for class  
8 certification, Responding party identifies the following individuals: There is a  
9 copy of a Group MMS included in Officer Report for Incident 16-02164. In  
10 that report an individual who identifies himself as "the Weasel" makes a  
11 statement about Blakeman and meth. The Weasel also states: "Ferrara  
12 family is nothing put a bunch of drug addict losers. He's main shaper and  
13 good surfer kids are losers and his brothers kids are all losers One of the  
14 Ferrara kids [sic] friends beat up a Persian liquor store guy... One time the  
15 Ferrara kid talk shit to me one day I said I used to smoke crack with your  
16 dad Angelo and dead uncle Sal I have all the dirt from 1979 up. The Weasel  
17 then states; "Tell your bros to say even sells weed he lives on 10th Street in  
18 San Pedro." Plaintiffs are informed and believe that the word "even" is a typo  
19 which is supposed to be Evan and referring to Bay Boy Evan Levy. Plaintiffs  
20 are informed and believe and thereon allege that the Weasel might be an  
21 individual named Glen Morris. (424) 263-5152.

22 The request is premature. Because Blakeman and the other  
23 defendants are refusing to comply with their obligations to produce  
24 documents under the federal rules and are impermissibly withholding  
25 evidence and/or possibly spoliating evidence, we are not able to fully  
26 respond to discovery requests which necessarily rely on our ability to fully  
27 investigate the facts. As discovery is continuing, Reed reserves the right to  
28

1 update this response.

2 **INTERROGATORY NO. 4:**

3 IDENTIFY ALL PERSONS that have knowledge of any facts that  
4 support your contention in paragraph 18 of the Complaint that BRANT  
5 BLAKEMAN “impede[d] boat traffic” at any time, and for each such PERSON  
6 identified state all facts you contend are within that PERSON’s knowledge.

7 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 4:**

8 Responding Party objects to this interrogatory as premature. Because  
9 this interrogatory seeks or necessarily relies upon a contention, and  
10 because this matter is in its early stages and pretrial discovery has only just  
11 begun, Responding Party is unable to provide a complete response at this  
12 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,  
13 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at \*1; *Folz v. Union Pacific*  
14 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at \*1-2.; see  
15 also Fed. R. Civ. P. 33(a)(2) (“the court may order that [a contention]  
16 interrogatory need not be answered until designated discovery is complete,  
17 or until a pretrial conference or some other time.”).

18 Responding Party further objects to this interrogatory as unduly  
19 burdensome, harassing, and duplicative of information disclosed in  
20 Responding Party’s Rule 26(a) disclosures and supplemental disclosures.  
21 Propounding Party may look to Responding Party’s Rule 26(a) disclosures  
22 and supplemental disclosures for the information sought by this  
23 interrogatory. Moreover, Responding Party had the opportunity to depose  
24 Ms. Reed on this topic.

25 Responding Party further objects to this interrogatory as compound.  
26 This “interrogatory” contains multiple impermissible subparts, which  
27 Propounding Party has propounded in an effort to circumvent the numerical  
28

1 limitations on interrogatories provided by Federal Rule of Civil Procedure  
2 33(a)(1).

3 Responding Party further objects to this interrogatory on the grounds  
4 that it seeks information that is outside of Responding Party's knowledge.

5 Responding Party further objects to the extent that this interrogatory  
6 invades attorney-client privilege and/or violates the work product doctrine by  
7 compelling Responding Party to disclose privileged communications and/or  
8 litigation strategy. Responding Party will not provide any such information.

9 Subject to and without waiver of the foregoing objections, Responding  
10 Party responds as follows:

11 In addition to each defendant named in his individual capacity and  
12 other persons identified in Plaintiffs' Initial and Supplemental Disclosures,  
13 and the evidence submitted in support of Plaintiffs' motion for class  
14 certification, Responding Party identifies the following individuals: Jordan  
15 Wright, Ken Claypool.

16 The request is premature. Because Blakeman and the other  
17 defendants are refusing to comply with their obligations to produce  
18 documents under the federal rules and are impermissibly withholding  
19 evidence and/or possibly spoliating evidence, we are not able to fully  
20 respond to discovery requests which necessarily rely on our ability to fully  
21 investigate the facts. As discovery is continuing, Reed reserves the right to  
22 update this response.

23 **INTERROGATORY NO. 5:**

24 IDENTIFY ALL PERSONS that have knowledge of any facts that  
25 support your contention in paragraph 18 of the Complaint that BRANT  
26 BLAKEMAN "dangerously disregard[ed] surfing rules" at any time, and for  
27 each such PERSON identified state all facts you contend are within that

1 PERSON's knowledge.

2 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 5:**

3        Responding Party objects to this interrogatory as premature. Because  
4 this interrogatory seeks or necessarily relies upon a contention, and  
5 because this matter is in its early stages and pretrial discovery has only just  
6 begun, Responding Party is unable to provide a complete response at this  
7 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,  
8 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at \*1; *Folz v. Union Pacific*  
9 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at \*1-2.; see  
10 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]  
11 interrogatory need not be answered until designated discovery is complete,  
12 or until a pretrial conference or some other time.").

13        Responding Party further objects to this interrogatory as unduly  
14 burdensome, harassing, and duplicative of information disclosed in  
15 Responding Party's Rule 26(a) disclosures and supplemental disclosures.  
16 Propounding Party may look to Responding Party's Rule 26(a) disclosures  
17 and supplemental disclosures for the information sought by this  
18 interrogatory. Moreover, Responding Party had the opportunity to depose  
19 Ms. Reed on this topic.

20        Responding Party further objects to this interrogatory as compound.  
21 This "interrogatory" contains multiple impermissible subparts, which  
22 Propounding Party has propounded in an effort to circumvent the numerical  
23 limitations on interrogatories provided by Federal Rule of Civil Procedure  
24 33(a)(1).

25        Responding Party further objects to this interrogatory on the grounds  
26 that it seeks information that is outside of Responding Party's knowledge.

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1        Responding Party further objects to the extent that this interrogatory  
2 invades attorney-client privilege and/or violates the work product doctrine by  
3 compelling Responding Party to disclose privileged communications and/or  
4 litigation strategy. Responding Party will not provide any such information.

5        Subject to and without waiver of the foregoing objections, Responding  
6 Party responds as follows:

7        In addition to each defendant named in his individual capacity and  
8 other persons identified in Plaintiff's Initial and Supplemental Disclosures,  
9 and the evidence submitted in support of Plaintiffs' motion for class  
10 certification, Responding Party identifies the following individuals:

11       Diana Reed: believes that Blakeman engaged in a concerted effort  
12 with other Bay Boys to obstruct the plaintiffs' and the publics' free passage  
13 and use in the customary manner of a public space. Reed also believes that  
14 Blakeman coordinated with other Bay Boys to harass and assault the  
15 plaintiffs and the public when they were visiting Lunada Bay. Reed believes  
16 that the conduct directed at the plaintiffs and others trying to surf Lunada  
17 Bay is part of an agreement among Blakeman and the other Bay Boys,  
18 which at a minimum, may be implied by the conduct of the parties and other  
19 members of the Bay Boys. Reed believes that the Bay Boys concerted  
20 efforts to stop the public from accessing the beach are documented in text  
21 messages and emails some of which have been destroyed or are being  
22 withheld by the Defendants in this case. For example, on February 5, 2016,  
23 Charles Mowat sent a text message to Defendant Brant Blakeman, Tom  
24 Sullivan, David Yoakley, Andy Patch, Defendant Michael Papayans and  
25 several others that said "There are 5 kooks standing on the bluff taking  
26 pictures...I think that same Taloa guy. Things could get ugly. " A Los  
27 Angeles Times photographer captured a pictured of Defendant Blakeman of  
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1 the bluff filming plaintiffs. Plaintiffs are also informed and believe that a  
2 Lunada Bay local named Joshua Berstein was taking pictures at the MLK  
3 2014 paddle out. Plaintiffs are also informed and believe that Berstein told  
4 several people after he photographed them, "Now we know who you are."  
5 Plaintiffs believe that the conducted directed at Reed by Blakeman and the  
6 individual Bay Boys is because she is a woman. Plaintiff is informed and  
7 believes that there are numerous text messages where the Bay Boys refer  
8 to Reed as a "bitch" and make sexual comments about her.

9         The specific acts directed against Reed include but are not limited to  
10 the following:

11             i)       Reed went to Lunada Bay on January 29, 2016 with Jordan  
12 Wright. Reed had intended to surf at Lunada Bay that day because the  
13 conditions were such that she felt comfortable surfing.<sup>10</sup> Immediately after  
14 they parked their car along the bluffs, the harassment began. Several men  
15 drove by and circled around their car. This was the day that she and Wright  
16 were harassed and intimidated by David Melo. Blakeman was recording  
17 them on land with his camera. It was very disturbing to Reed and made her  
18 feel very uncomfortable. Plaintiffs are informed and believe that this was  
19 witnessed by John MacHarg.

20             ii)      On or about February 12, 2016, The Los Angeles Times  
21 published an article called "Bay Boys surfer gang cannot block access to  
22 upscale beach, Coastal Commission says." Jordan Wright and Cory  
23 Spencer are quoted in the article. Mr. Wright and a few others had planned  
24

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25  
26             <sup>10</sup> Plaintiffs are informed and believe that there were text message sent on  
27 January 29, 2016 asking Defendant Papayans "Where are you? Kooks  
28 trying to get to the Bay." Plaintiffs are informed and believe that Papayans  
responded with a "LOL" and said he would be there.

1 to surf Lunada Bay the following morning. Plaintiffs are informed and believe  
2 that Defendants Johnston and Blakeman learned that Jordan Wright and  
3 Diana Reed were going to Lunada Bay and planned to be there to harass  
4 them. On February 12, 2016, Defendant Alan Johnston sent the following  
5 text messages to an unknown recipient: "No fucking way Taloa is back this  
6 year" and "If u really wanna be a bay boy we might meet help tomm."

7       iii)     On February 13, 2016, Reed returned to Lunada Bay with  
8 Jordan Wright to watch him surf and take photographs. Prior to her arrival,  
9 she contacted the Palos Verdes Estates Police and requested an escort  
10 from the bluffs to the beach. She was concerned about her safety given the  
11 January 29, 2016 incident. She was told that the police were unavailable  
12 and no officers were present when they arrived. When Reed and Wright  
13 reached the beach, they encountered angry locals who were yelling at them.  
14 Reed and Wright ignored the harassment and Wright got into the water to  
15 surf and Reed made her way to the Rock Fort where she planned to watch  
16 Wright and photograph him.

17       Approximately two hours after Reed had arrived at Lunada Bay, while  
18 she was standing in the Rock Fort taking photos, Blakeman and defendant  
19 Alan Johnston rushed into the fort and ran towards her in a hostile and  
20 aggressive manner. It seemed that they had coordinated and orchestrated  
21 the attack which completely caught Reed off guard. Blakeman was filming  
22 Reed again, and at times, held his camera right in her face. It was  
23 intimidating and harassing to Reed, and she feared for her safety.

24       Reed asked Blakeman and Johnston why they were filming her,  
25 because it made her uncomfortable. Blakeman responded, "because I feel  
26 like it." Johnston responded, "because you're hot. Because you're fucking  
27 sexy baby, wooh!" Johnston then opened a can of beer in a purposeful  
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1 way so that it sprayed Reed's arm and her camera. Reed, paralyzed with  
2 fear, was unable to leave the Rock Fort as Blakeman and Johnston were  
3 standing closest to the exit.

4       iv) Plaintiffs are informed and believe that after the incident  
5 Defendant Johnston started calling and/or texting other Lunada Bay locals to  
6 check for police to plan a getaway. At around 1:00 pm Brad Travers (Travers  
7 Tree Service) texted Johnston: "Don't see any cops at the top." Plaintiffs are  
8 informed and believe that later that day Johnston received a text from his  
9 mother asking him "What happened at the bay?" Johnston replied "Nothing  
10 happened really just couple of trolls they got nothing."

11       Cory Spencer: Cory Spencer and Chris Taloa went to surf Lunada  
12 Bay. Almost instantly after they arrived at Lunada Bay, they started getting  
13 harassed by Bay Boys. They were told that they couldn't surf there, and  
14 Spencer was called a "kook," which is a derogatory surfing term. Spencer  
15 was also told: "why don't you fucking go home, you fucking kook;" and was  
16 asked, "how many other good places did you pass to come here?" These  
17 are the same types of statements made by Defendant Sang Lee and others  
18 that can be observed on the video published by the Guardian.<sup>11</sup> These  
19 taunts started while Spencer and Taloa were on the bluffs getting ready to  
20 surf. One individual continued to heckle Spencer and Taloa on their way  
21 down to the beach and into the water.

22       Blakeman was already in the water and began paddling around  
23 Spencer and Taloa in a tight circle – staying just a few feet away from them.  
24 There was no legitimate reason for this conduct. Reed believes that this is a  
25

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26       <sup>11</sup> <https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video>.

28 (footnote continued)

1 tactic used by the Bay Boys to harass people.<sup>12</sup> Blakeman impeded  
2 Spencer's movement in any direction and was intentionally blocking him  
3 from catching any waves. It was clear to Spencer that Blakeman was not  
4 there to surf that morning. Instead, his mission was to prevent Spencer and  
5 Taloa from surfing and to keep them from enjoying their time in the water,  
6 the open space, the waves, and nature. This the type of concerted effort was  
7 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep  
8 people from surfing at Lunada Bay. In the approximately 90 minutes that  
9 Spencer was in the water that day, Blakeman was focused on Spencer and  
10 Taloa and continued to shadow their movements and sit uncomfortably  
11 close to them. Spencer had never experienced anything like that before in  
12 his life. It was bizarre but also incredibly frightening and disturbing. It  
13 appeared to Spencer that Blakeman was coordinating his actions with a  
14 group of guys who were standing in the Rock Fort, along with others in the  
15 water. They were all talking to each other and it was clear they all knew  
16 each other.

17 At one point while Spencer was in the water and was paddling west  
18 out to the ocean, he saw a man surfing, coming in east towards the shore.  
19 The Bay Boy ran over his hand/wrist that was holding his surfboard and one  
20 of the fins on his surfboard sliced open his right wrist. Spencer has about a  
21 half-inch scar from where this man ran him over. As soon as the Bay Boy  
22 ran him over, he started berating Spencer, saying things like "what are you  
23 fucking doing out here? I told you to go home. I should have run you over.  
24 Why are you paddling in the sun glare where I can't see you?" The Bay Boy

25 \_\_\_\_\_  
26 <sup>12</sup> Plaintiffs are informed and believe that Defendant Papayans sent a text  
27 message describing similar conduct: "We just had a kook out in the water  
28 and me and Jack just sat on his ass."

1 was pretending that he didn't see Spencer but it was obvious that he did and  
2 intentionally ran him over. With over 30 years of surfing experience, Spencer  
3 knew that this collision was intentional on his part. Fearful of being further  
4 injured at that point, and not wanting to get into an argument with him,  
5 Spencer just paddled away. Spencer and Taloa caught one more wave after  
6 that and then decided it was getting too dangerous to surf. More men started  
7 showing up at the Rock Fort and Spencer and Taloa were growing  
8 increasingly fearful for their safety. Spencer was also bleeding and in pain.  
9 These incidents are described in the declarations filed with Plaintiffs' motion  
10 for class certification and the deposition of Spencer.

11       Christopher Taloa: As set forth above, Taloa and Spencer went surfing  
12 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman  
13 shadowing Spencer's movement in the water. Blakeman was in the water  
14 with four or five other Lunada Bay Locals. At one point, Blakeman paddled  
15 toward Taloa, at which point Taloa told him that he was too close.  
16 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."  
17 Taloa kept moving in the water, and Blakeman attempted to keep up with  
18 him but was not in good enough shape to do so.

19       Jen Bell: The incident described above was witnessed by a woman  
20 named Jen Bell who had gone to Lunada Bay that same day to photograph  
21 a guy from Malibu. When she attempted sit down on the beach with her  
22 pack, a man said: "You are practically sitting in a men's locker-room. You  
23 don't make me feel comfortable." Bell continued to sit there for another 10  
24 minutes because she refused to be intimidated but eventually decided to head  
25 over to the fort because she saw another woman, Diana Reed, was taking  
26 photos. Bell was in the Rock Fort when Blakeman and Johnston arrived. It  
27 was obvious from the start that Johnston and Blakeman were there with the  
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1 intent to harass Reed. Johnston was making rude comments to both her and  
2 Reed. Blakeman was putting the GoPro in their faces. Johnston was  
3 chugging multiple beers and it was early in the morning. Johnston asked her  
4 to help him with his wetsuit. He said "Can you help me with this?" and  
5 handed her the leg of his wetsuit. Johnston made moaning sounds when  
6 she took it like he was having an orgasm.

7       Jordan Wright: Wright attempted to surf Lunada Bay in January 2015  
8 with Chris Claypool and Kenneth Claypool. He observed Blakeman  
9 harassing Chris and Ken. Wright was sitting on the outside waiting his turn  
10 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-  
11 foot-high wave and was up riding for several seconds. Alan Johnston  
12 paddled the wrong way on this wave, dropped in on him going the wrong  
13 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer  
14 while going the wrong way violates normal surf etiquette. Johnston then  
15 collided with Wright, and their leashes got tangled. After they surfaced from  
16 the collision, Johnston then got close to Wright and yelled, "You had to  
17 fucking take that wave, didn't you!" The next wave that came through then  
18 broke Wright's leash plug and the board was carried into the rocks, which  
19 destroyed a new surfboard. Wright had to swim in over rocks to get his  
20 board and cut his hands on the rocks doing so. Wright is confident that  
21 Johnston attempted to purposefully injure him. What he did was extremely  
22 dangerous.

23       Wright has observed Blakeman on many occasions. Blakeman is easy  
24 to identify because he rides a kneeboard and he is regularly filming visitors  
25 on land with a camcorder. Wright believes his filming is an effort to intimidate  
26 visitors. In the water, Wright has observed what appears to be Blakeman  
27 directing other Bay Boys to sit close to visiting surfers. Wright has observed  
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1 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to  
2 the visitors, impede their movements, block their surfing, kick at them,  
3 splash water at them, and dangerously drop in on them. In addition to  
4 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,  
5 Charlie Ferrara, and David Melo engage in this activity. These incidents are  
6 described in the declarations filed with Plaintiffs' motion for class  
7 certification.

8       Ken Claypool: has been harassed and filmed by Blakeman in an  
9 attempt to intimidate him at Lunada Bay on multiple occasions. In January  
10 2015, Claypool and his brother Chris Claypool along with Jordan Wright  
11 went to surf Lunada Bay. There were about five Lunada Bay locals in the  
12 water, including Blakeman who paddled over and threatened them. Claypool  
13 observed Blakeman intentionally drop in on Wright at least twice.

14       On February 5, 2016, Claypool went to Lunada Bay with Chris Taloa  
15 and Jordan Wright. There was a photographer from the Los Angeles Times  
16 that was there. Also in attendance was Cory Spencer and Diana Reed.  
17 Spencer was there to watch the cars. Blakeman was there filming in an  
18 effort to intimidate visitors. Blakeman can be seen in one of the pictures  
19 taken by the photographer. Also present was Defendant Papayans. Plaintiffs  
20 are informed and believe that there was a text message sent that day to  
21 Papayans, Michael Theil and 11 other people stating that there were 5  
22 kooks standing on the bluff taking pictures, including Taloa. Plaintiffs are  
23 informed that the text states: "Things could get ugly." These incidents are  
24 described in the declarations filed with Plaintiffs' motion for class  
25 certification.

26       Chris Claypool: he and his brother Ken and Jordan Wright attempted  
27 to surf Lunada Bay in January 2015. There were about five locals in the  
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1 water, including Blakeman who paddled over and was yelling, "Try and catch  
2 a wave and see what happens. There is no fucking way you are getting a  
3 wave. Just go in. Just go. You better not cut me off." Blakeman looked  
4 possessed or possibly on drugs. His behavior got more bizarre throughout  
5 the morning. He seemed to be paddling for every wave that he could  
6 physically push himself into, perhaps to make a point, but he was wiping out  
7 a lot and falling down the face and tumbling across the rock reef. Blakeman  
8 looked dangerous to himself. When Blakeman would actually catch a wave  
9 in, he would paddle back to where Claypool and his brother were sitting, and  
10 continue his insane rant. On one occasion, Blakeman came less than 12  
11 inches from Claypool's ear and was screaming. It was so loud, Claypool had  
12 to put his fingers in his ear to protect them from being damaged. Claypool is  
13 a sound engineer and to put this in perspective, a rock concert creates about  
14 120 decibels of noise - this was louder; a jet engine creates about 150  
15 decibels. At one point Blakeman caught a wave and drew a line aiming right  
16 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"  
17 as he narrowly missed Claypool's head. Claypool watched as Blakeman  
18 intentionally dropped in on Jordan at least twice. It seemed obvious to  
19 Claypool that Blakeman and the other Bay Boy wanted to make sure none of  
20 them were having fun. Because of the danger, they decided to leave.

21       When Claypool and his brother got out of water, they saw people  
22 gathering on top of the cliff. One person was videotaping them from the top  
23 of the cliff; it was clear to Claypool that he was doing this to try and  
24 intimidate them. The people were watching them from the cliff. It was  
25 obvious that Blakeman engaged in a concerted effort with other Bay Boys to  
26 obstruct his free passage and use in the customary manner of a public  
27 space. It also seemed clear that Blakeman engaged in a concerted effort

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1 with other Bay Boys to try and injure him. These incidents are described in  
2 the declarations filed with Plaintiffs' motion for class certification.

3 Plaintiffs are informed and believe and on that basis allege that  
4 Defendant Blakeman and his attorneys are attempting to intimidate  
5 witnesses in this case. On at least two occasions, an investigator hired by  
6 Blakeman's attorneys contacted witnesses represented by Plaintiffs'  
7 attorneys. The investigator also showed up at the home of a reporter that  
8 has not been listed as a witness.

9 The request is premature. Because Blakeman and the other  
10 defendants are refusing to comply with their obligations to produce  
11 documents under the federal rules and are impermissibly withholding  
12 evidence and/or possibly spoliating evidence, we are not able to fully  
13 respond to discovery requests which necessarily rely on our ability to fully  
14 investigate the facts. As discovery is continuing, Reed reserves the right to  
15 update this response.

16 **INTERROGATORY NO. 6:**

17 IDENTIFY ALL PERSONS that have knowledge of any facts that  
18 support your contention that BRANT BLAKEMAN has illegally extorted  
19 money from beachgoers who wish to use Lunada Bay for recreational  
20 purposes (See paragraph 33j. of the Complaint), and for each such  
21 PERSON identified state all facts you contend are within that PERSON's  
22 knowledge.

23 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 6:**

24 Responding Party objects to this interrogatory as premature. Because  
25 this interrogatory seeks or necessarily relies upon a contention, and  
26 because this matter is in its early stages and pretrial discovery has only just  
27 begun, Responding Party is unable to provide a complete response at this  
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1 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,  
2 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at \*1; *Folz v. Union Pacific*  
3 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at \*1-2.; see  
4 also Fed. R. Civ. P. 33(a)(2) (“the court may order that [a contention]  
5 interrogatory need not be answered until designated discovery is complete,  
6 or until a pretrial conference or some other time.”).

7 Responding Party further objects to this interrogatory as unduly  
8 burdensome, harassing, and duplicative of information disclosed in  
9 Responding Party’s Rule 26(a) disclosures and supplemental disclosures.  
10 Propounding Party may look to Responding Party’s Rule 26(a) disclosures  
11 and supplemental disclosures for the information sought by this  
12 interrogatory. Moreover, Responding Party had the opportunity to depose  
13 Ms. Reed on this topic.

14 Responding Party further objects to this interrogatory as compound.  
15 This “interrogatory” contains multiple impermissible subparts, which  
16 Propounding Party has propounded in an effort to circumvent the numerical  
17 limitations on interrogatories provided by Federal Rule of Civil Procedure  
18 33(a)(1).

19 Responding Party further objects to this interrogatory on the grounds  
20 that it seeks information that is outside of Responding Party’s knowledge.

21 Responding Party further objects to the extent that this interrogatory  
22 invades attorney-client privilege and/or violates the work product doctrine by  
23 compelling Responding Party to disclose privileged communications and/or  
24 litigation strategy. Responding Party will not provide any such information.

25 The request is premature. Because Blakeman and the other  
26 defendants are refusing to comply with their obligations to produce  
27 documents under the federal rules and are impermissibly withholding

1 evidence and/or possibly spoliating evidence, we are not able to fully  
2 respond to discovery requests which necessarily rely on our ability to fully  
3 investigate the facts. As discovery is continuing, Reed reserves the right to  
4 update this response.

5 **INTERROGATORY NO. 7:**

6 IDENTIFY ALL PERSONS that have knowledge of any facts that  
7 support your contention that BRANT BLAKEMAN was a part of a Civil  
8 Conspiracy as identified in your complaint in paragraphs 51 through 53, and  
9 for each such PERSON identified state all facts you contend are within that  
10 PERSON's knowledge.

11 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 7:**

12 Responding Party objects to this interrogatory as premature. Because  
13 this interrogatory seeks or necessarily relies upon a contention, and  
14 because this matter is in its early stages and pretrial discovery has only just  
15 begun, Responding Party is unable to provide a complete response at this  
16 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,  
17 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at \*1; *Folz v. Union Pacific*  
18 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at \*1-2.; see  
19 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]  
20 interrogatory need not be answered until designated discovery is complete,  
21 or until a pretrial conference or some other time.").

22 Responding Party further objects to this interrogatory as unduly  
23 burdensome, harassing, and duplicative of information disclosed in  
24 Responding Party's Rule 26(a) disclosures and supplemental disclosures.  
25 Propounding Party may look to Responding Party's Rule 26(a) disclosures  
26 and supplemental disclosures for the information sought by this

27

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1 interrogatory. Moreover, Responding Party had the opportunity to depose  
2 Ms. Reed on this topic.

3        Responding Party further objects to this interrogatory as compound.  
4 This “interrogatory” contains multiple impermissible subparts, which  
5 Propounding Party has propounded to circumvent the numerical limitations  
6 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

7        Responding Party further objects to this interrogatory on the grounds  
8 that it seeks information that is outside of Responding Party's knowledge.

9        Responding Party further objects to the extent that this interrogatory  
10 invades attorney-client privilege and/or violates the work product doctrine by  
11 compelling Responding Party to disclose privileged communications and/or  
12 litigation strategy.

13        Subject to and without waiver of the foregoing objections, Responding  
14 Party responds as follows:

15        In addition to each defendant named in his individual capacity and  
16 other persons identified in Plaintiffs' initial and Supplemental Disclosures,  
17 and the evidence submitted in support of Plaintiffs motion for class  
18 certification, Responding Party identifies the following individuals:

19        Diana Reed: believes that Blakeman engaged in a concerted effort  
20 with other Bay Boys to obstruct the plaintiffs' and the publics' free passage  
21 and use in the customary manner of a public space. Reed also believes that  
22 Blakeman coordinated with other Bay Boys to harass and assault the  
23 plaintiffs and the public when they were visiting Lunada Bay. Reed believes  
24 that the conduct directed at the plaintiffs and others trying to surf Lunada  
25 Bay is part of an agreement among Blakeman and the other Bay Boys,  
26 which at a minimum, may be implied by the conduct of the parties and other  
27 members of the Bay Boys. Reed believes that the Bay Boys concerted

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1 efforts to stop the public from accessing the beach are documented in text  
2 messages and emails some of which have been destroyed or are being  
3 withheld by the Defendants in this case. For example, on February 5, 2016,  
4 Charles Mowat sent a text message to Defendant Brant Blakeman, Tom  
5 Sullivan, David Yoakley, Andy Patch, Defendant Michael Papayans and  
6 several others that said "There are 5 kooks standing on the bluff taking  
7 pictures...I think that same Taloa guy. Things could get ugly. " A Los  
8 Angeles Times photographer captured a pictured of Defendant Blakeman of  
9 the bluff filming plaintiffs. Plaintiffs believe that the Bay Boys take photos  
10 and/or video tape people as a form of harassment and intimidation. For  
11 example, plaintiffs are also informed and believe that a Lunada Bay local  
12 named Joshua Berstein was taking pictures at the MLK 2014 paddle out.  
13 Plaintiffs are also informed and believe that Berstein told several people  
14 after he photographed them, "Now we know who you are." Plaintiffs believe  
15 that the conducted directed at Reed by Blakeman and the individual Bay  
16 Boys is because she is a woman. Plaintiff is informed and believes that there  
17 are numerous text messages where the Bay Boys refer to Reed as a "bitch"  
18 and make sexual comments about her.

19       The specific acts directed against Reed include but are not limited to  
20 the following:

21           i)      Reed went to Lunada Bay on January 29, 2016 with Jordan  
22 Wright. Reed had intended to surf at Lunada Bay that day because the  
23 conditions were such that she felt comfortable surfing.<sup>13</sup> Immediately after  
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26           <sup>13</sup> Plaintiffs are informed and believe that there were text message sent on  
27 January 29, 2016 asking Defendant Papayans "Where are you? Kooks  
28 trying to get to the Bay." Plaintiffs are informed and believe that Papayans  
responded with a "LOL" and said he would be there.

1 they parked their car along the bluffs, the harassment began. Several men  
2 drove by and circled around their car. This was the day that she and Wright  
3 were harassed and intimidated by David Melo. Blakeman was recording  
4 them on land with his camera. It was very disturbing to Reed and made her  
5 feel very uncomfortable. Plaintiffs are informed and believe that this was  
6 witnessed by John MacHarg.

7       ii)     On or about February 12, 2016, The Los Angeles Times  
8 published an article called “Bay Boys surfer gang cannot block access to  
9 upscale beach, Coastal Commission says.” Jordan Wright and Cory  
10 Spencer are quoted in the article. Mr. Wright and a few others had planned  
11 to surf Lunada Bay the following morning. Plaintiffs are informed and believe  
12 that Defendants Johnston and Blakeman learned that Jordan Wright and  
13 Diana Reed were going to Lunada Bay and planned to be there to harass  
14 them. On February 12, 2016, Defendant Alan Johnston sent the following  
15 text messages to an unknown recipient: “No fucking way Taloa is back this  
16 year” and “If u really wanna be a bay boy we might meet help tomm.”

17       iii)    On February 13, 2016, Reed returned to Lunada Bay with  
18 Jordan Wright to watch him surf and take photographs. Prior to her arrival,  
19 she contacted the Palos Verdes Estates Police and requested an escort  
20 from the bluffs to the beach. She was concerned about her safety given the  
21 January 29, 2016 incident. She was told that the police were unavailable  
22 and no officers were present when they arrived. When Reed and Wright  
23 reached the beach, they encountered angry locals who were yelling at them.  
24 Reed and Wright ignored the harassment and Wright got into the water to  
25 surf and Reed made her way to the Rock Fort where she planned to watch  
26 Wright and photograph him.

27  
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1       Approximately two hours after Reed had arrived at Lunada Bay, while  
2 she was standing in the Rock Fort taking photos, Blakeman and defendant  
3 Alan Johnston rushed into the fort and ran towards her in a hostile and  
4 aggressive manner. It seemed that they had coordinated and orchestrated  
5 the attack which completely caught Reed off guard. Blakeman was filming  
6 Reed again, and at times, held his camera right in her face. It was  
7 intimidating and harassing to Reed, and she feared for her safety.

8       Reed asked Blakeman and Johnston why they were filming her,  
9 because it made her uncomfortable. Blakeman responded, "because I feel  
10 like it." Johnston responded, "because you're hot. Because you're fucking  
11 sexy baby, wooh!" Johnston then opened a can of beer in a purposeful  
12 way so that it sprayed Reed's arm and her camera. Reed, paralyzed with  
13 fear, was unable to leave the Rock Fort as Blakeman and Johnston were  
14 standing closest to the exit.

15       iii) Plaintiffs are informed and believe that after the incident  
16 Defendant Johnston started calling and/or texting other Lunada Bay locals to  
17 check for police to plan a getaway. At around 1:00 pm Brad Travers (Travers  
18 Tree Service) texted Johnston: "Don't see any cops at the top." Plaintiffs are  
19 informed and believe that later that day Johnston received a text from his  
20 mother asking him "What happened at the bay?" Johnston replied "Nothing  
21 happened really just couple of trolls they got nothing."

22       Reed further identifies the following individuals as having knowledge of  
23 concerted efforts by the Bay Boys, including Blakeman:

24       Cory Spencer: Cory Spencer and Chris Taloa went to surf Lunada  
25 Bay. Almost instantly after they arrived at Lunada Bay, they started getting  
26 harassed by Bay Boys. They were told that they couldn't surf there, and  
27 Spencer was called a "kook," which is a derogatory surfing term. Spencer  
28

1 was also told: "why don't you fucking go home, you fucking kook;" and was  
2 asked, "how many other good places did you pass to come here?" These  
3 are the same types of statements made by Defendant Sang Lee and others  
4 that can be observed on the video published by the Guardian.<sup>14</sup> These  
5 taunts started while Spencer and Taloa were on the bluffs getting ready to  
6 surf. One individual continued to heckle Spencer and Taloa on their way  
7 down to the beach and into the water.

8 Blakeman was already in the water and began paddling around  
9 Spencer and Taloa in a tight circle – staying just a few feet away from them.  
10 There was no legitimate reason for this conduct. Reed believes that this is a  
11 tactic used by the Bay Boys to harass people.<sup>15</sup> Blakeman impeded  
12 Spencer's movement in any direction and was intentionally blocking him  
13 from catching any waves. It was clear to Spencer that Blakeman was not  
14 there to surf that morning. Instead, his mission was to prevent Spencer and  
15 Taloa from surfing and to keep them from enjoying their time in the water,  
16 the open space, the waves, and nature. This the type of concerted effort was  
17 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep  
18 people from surfing at Lunada Bay. In the approximately 90 minutes that  
19 Spencer was in the water that day, Blakeman was focused on Spencer and  
20 Taloa and continued to shadow their movements and sit uncomfortably  
21 close to them. Spencer had never experienced anything like that before in  
22 his life. It was bizarre but also incredibly frightening and disturbing. It

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25 <sup>14</sup> <https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video>.

26

27 <sup>15</sup> Plaintiffs are informed and believe that Defendant Papayans sent a text  
28 message describing similar conduct: "We just had a kook out in the water  
and me and Jack just sat on his ass."

1 appeared to Spencer that Blakeman was coordinating his actions with a  
2 group of guys who were standing in the Rock Fort, along with others in the  
3 water. They were all talking to each other and it was clear they all knew  
4 each other.

5 At one point while Spencer was in the water and was paddling west  
6 out to the ocean, he saw a man surfing, coming in east towards the shore.  
7 The Bay Boy ran over his hand/wrist that was holding his surfboard and one  
8 of the fins on his surfboard sliced open his right wrist. Spencer has about a  
9 half-inch scar from where this man ran him over. As soon as the Bay Boy  
10 ran him over, he started berating Spencer, saying things like "what are you  
11 fucking doing out here? I told you to go home. I should have run you over.  
12 Why are you paddling in the sun glare where I can't see you?" The Bay Boy  
13 was pretending that he didn't see Spencer but it was obvious that he did and  
14 intentionally ran him over. With over 30 years of surfing experience, Spencer  
15 knew that this collision was intentional on his part. Fearful of being further  
16 injured at that point, and not wanting to get into an argument with him,  
17 Spencer just paddled away. Spencer and Taloa caught one more wave after  
18 that and then decided it was getting too dangerous to surf. More men started  
19 showing up at the Rock Fort and Spencer and Taloa were growing  
20 increasingly fearful for their safety. Spencer was also bleeding and in pain.  
21 These incidents are described in the declarations filed with Plaintiffs' motion  
22 for class certification and the deposition of Spencer.

23 Christopher Taloa: As set forth above, Taloa and Spencer went surfing  
24 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman  
25 shadowing Spencer's movement in the water. Blakeman was in the water  
26 with four or five other Lunada Bay Locals. At one point, Blakeman paddled  
27 toward Taloa, at which point Taloa told him that he was too close.

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1 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."  
2 Taloa kept moving in the water, and Blakeman attempted to keep up with  
3 him but was not in good enough shape to do so.

4 Jen Bell: The incident described above was witnessed by a woman  
5 named Jen Bell who had gone to Lunada Bay that same day to photograph  
6 a guy from Malibu. When she attempted sit down on the beach with her  
7 pack, a man said: "You are practically sitting in a men's locker-room. You  
8 don't make me feel comfortable." Bell continued to sit there for another 10  
9 minutes because she refused to be intimated but eventually decided to head  
10 over to the fort because she saw another woman, Diana Reed, was taking  
11 photos. Bell was in the Rock Fort when Blakeman and Johnston arrived. It  
12 was obvious from the start that Johnston and Blakeman were there with the  
13 intent to harass Reed. Johnston was making rude comments to both her and  
14 Reed. Blakeman was putting the GoPro in their faces. Johnston was  
15 chugging multiple beers and it was early in the morning. Johnston asked her  
16 to help him with his wetsuit. He said "Can you help me with this?" and  
17 handed her the leg of his wetsuit. Johnston made moaning sounds when  
18 she took it like he was having an orgasm.

19 Jordan Wright: Wright attempted to surf Lunada Bay in January 2015  
20 with Chris Claypool and Kenneth Claypool. He observed Blakeman  
21 harassing Chris and Ken. Wright was sitting on the outside waiting his turn  
22 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-  
23 foot-high wave and was up riding for several seconds. Alan Johnston  
24 paddled the wrong way on this wave, dropped in on him going the wrong  
25 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer  
26 while going the wrong way violates normal surf etiquette. Johnston then  
27 collided with Wright, and their leashes got tangled. After they surfaced from  
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1 the collision, Johnston then got close to Wright and yelled, "You had to  
2 fucking take that wave, didn't you!" The next wave that came through then  
3 broke Wright's leash plug and the board was carried into the rocks, which  
4 destroyed a new surfboard. Wright had to swim in over rocks to get his  
5 board and cut his hands on the rocks doing so. Wright is confident that  
6 Johnston attempted to purposefully injure him. What he did was extremely  
7 dangerous.

8 Wright has observed Blakeman on many occasions. Blakeman is easy  
9 to identify because he rides a kneeboard and he is regularly filming visitors  
10 on land with a camcorder. Wright believes his filming is an effort to intimidate  
11 visitors. In the water, Wright has observed what appears to be Blakeman  
12 directing other Bay Boys to sit close to visiting surfers. Wright has observed  
13 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to  
14 the visitors, impede their movements, block their surfing, kick at them,  
15 splash water at them, and dangerously drop in on them. In addition to  
16 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,  
17 Charlie Ferrara, and David Melo engage in this activity. These incidents are  
18 described in the declarations filed with Plaintiffs' motion for class  
19 certification.

20 Ken Claypool: has been harassed and filmed by Blakeman in an  
21 attempt to intimidate him at Lunada Bay on multiple occasions. In January  
22 2015, Claypool and his brother Chris Claypool along with Jordan Wright  
23 went to surf Lunada Bay. There were about five Lunada Bay locals in the  
24 water, including Blakeman who paddled over and threatened them. Claypool  
25 observed Blakeman intentionally drop in on Wright at least twice.

26 On February 5, 2016, Claypool went to Lunada Bay with Chris Taloa  
27 and Jordan Wright. There was a photographer from the Los Angeles Times  
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1 that was there. Also in attendance was Cory Spencer and Diana Reed.  
2 Spencer was there to watch the cars. Blakeman was there filming in an  
3 effort to intimidate visitors. Blakeman can be seen in one of the pictures  
4 taken by the photographer. Also present was Defendant Papayans. Plaintiffs  
5 are informed and believe that there was a text message sent that day to  
6 Papayans, Michael Theil and 11 other people stating that there were 5  
7 kooks standing on the bluff taking pictures, including Taloa. Plaintiffs are  
8 informed that the text states: "Things could get ugly. We all need to surf."  
9 These incidents are described in the declarations filed with Plaintiffs' motion  
10 for class certification.

11       Chris Claypool: he and his brother Ken and Jordan Wright attempted  
12 to surf Lunada Bay in January 2015. There were about five locals in the  
13 water, including Blakeman who paddled over and was yelling, "Try and catch  
14 a wave and see what happens. There is no fucking way you are getting a  
15 wave. Just go in. Just go. You better not cut me off." Blakeman looked  
16 possessed or possibly on drugs. His behavior got more bizarre throughout  
17 the morning. He seemed to be paddling for every wave that he could  
18 physically push himself into, perhaps to make a point, but he was wiping out  
19 a lot and falling down the face and tumbling across the rock reef. Blakeman  
20 looked dangerous to himself. When Blakeman would actually catch a wave  
21 in, he would paddle back to where Claypool and his brother were sitting, and  
22 continue his insane rant. On one occasion, Blakeman came less than 12  
23 inches from Claypool's ear and was screaming. It was so loud, Claypool had  
24 to put his fingers in his ear to protect them from being damaged. Claypool is  
25 a sound engineer and to put this in perspective, a rock concert creates about  
26 120 decibels of noise - this was louder; a jet engine creates about 150  
27 decibels. At one point Blakeman caught a wave and drew a line aiming right  
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1 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"  
2 as he narrowly missed Claypool's head. Claypool watched as Blakeman  
3 intentionally dropped in on Jordan at least twice. It seemed obvious to  
4 Claypool that Blakeman and the other Bay Boy wanted to make sure none of  
5 them were having fun. Because of the danger, they decided to leave.

6       When Claypool and his brother got out of water, they saw people  
7 gathering on top of the cliff. One person was videotaping them from the top  
8 of the cliff; it was clear to Claypool that he was doing this to try and  
9 intimidate them. The people were watching them from the cliff. It was  
10 obvious that Blakeman engaged in a concerted effort with other Bay Boys to  
11 obstruct his free passage and use in the customary manner of a public  
12 space. It also seemed clear that Blakeman engaged in a concerted effort  
13 with other Bay Boys to try and injure him. These incidents are described in  
14 the declarations filed with Plaintiffs' motion for class certification.

15       Jason Gersch: While observing the surf, Gersch was approached by  
16 two local Bay Boys named Peter McCollum and Brant Blakeman. These  
17 individuals made it known to Gersch that he could not surf there. These  
18 incidents are described in the declarations filed with Plaintiffs' motion for  
19 class certification.

20       Plaintiffs are informed and believe and on that basis allege that  
21 Defendant Blakeman and his attorneys are attempting to intimidate  
22 witnesses in this case. On at least two occasions, an investigator hired by  
23 Blakeman's attorneys contacted witnesses represented by Plaintiffs'  
24 attorneys. The investigator also showed up at the home of a reporter that  
25 has not been listed as a witness.

26       The request is premature. Because Blakeman and the other  
27 defendants are refusing to comply with their obligations to produce

1 documents under the federal rules and are impermissibly withholding  
2 evidence and/or possibly spoliating evidence, we are not able to fully  
3 respond to discovery requests which necessarily rely on our ability to fully  
4 investigate the facts. As discovery is continuing, Reed reserves the right to  
5 update this response.

6 **INTERROGATORY NO. 8:**

7 IDENTIFY ALL PERSONS that have knowledge of any facts that  
8 support plaintiffs' First Cause of Action in the Complaint (Bane Act  
9 Violations) against BRANT BLAKEMAN, and for each such PERSON  
10 identified state all facts you contend are within that PERSON's knowledge.

11 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 8:**

12 Responding Party objects to this interrogatory as premature. Because  
13 this interrogatory seeks or necessarily relies upon a contention, and  
14 because this matter is in its early stages and pretrial discovery has only just  
15 begun, Responding Party is unable to provide a complete response at this  
16 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,  
17 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at \*1; *Folz v. Union Pacific*  
18 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at \*1-2.; see  
19 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]  
20 interrogatory need not be answered until designated discovery is complete,  
21 or until a pretrial conference or some other time.").

22 Responding Party further objects to this interrogatory as unduly  
23 burdensome, harassing, and duplicative of information disclosed in  
24 Responding Party's Rule 26(a) disclosures and supplemental disclosures.  
25 Propounding Party may look to Responding Party's Rule 26(a) disclosures  
26 and supplemental disclosures for the information sought by this

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1 interrogatory. Moreover, Responding Party had the opportunity to depose  
2 Ms. Reed on this topic.

3        Responding Party further objects to this interrogatory as compound.  
4 This “interrogatory” contains multiple impermissible subparts, which  
5 Propounding Party has propounded to circumvent the numerical limitations  
6 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

7        Responding Party further objects to this interrogatory on the grounds  
8 that it seeks information that is outside of Responding Party's knowledge.

9        Responding Party further objects to the extent that this interrogatory  
10 invades attorney-client privilege and/or violates the work product doctrine by  
11 compelling Responding Party to disclose privileged communications and/or  
12 litigation strategy.

13        Subject to and without waiver of the foregoing objections, Responding  
14 Party responds as follows:

15        In addition to each defendant named in his individual capacity and  
16 other persons identified in Plaintiffs' initial and Supplemental Disclosures,  
17 and the evidence submitted in support of Plaintiffs motion for class  
18 certification, Responding Party identifies the following individuals:

19        Diana Reed: believes that Blakeman engaged in a concerted effort  
20 with other Bay Boys to obstruct the plaintiffs' and the publics' free passage  
21 and use in the customary manner of a public space. Reed also believes that  
22 Blakeman coordinated with other Bay Boys to harass and assault the  
23 plaintiffs and the public when they were visiting Lunada Bay. Reed believes  
24 that the conduct directed at the plaintiffs and others trying to surf Lunada  
25 Bay is part of an agreement among Blakeman and the other Bay Boys,  
26 which at a minimum, may be implied by the conduct of the parties and other  
27 members of the Bay Boys. Reed believes that the Bay Boys concerted

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1 efforts to stop the public from accessing the beach are documented in text  
2 messages and emails some of which have been destroyed or are being  
3 withheld by the Defendants in this case. For example, on February 5, 2016,  
4 Charles Mowat sent a text message to Defendant Brant Blakeman, Tom  
5 Sullivan, David Yoakley, Andy Patch, Defendant Michael Papayans and  
6 several others that said "There are 5 kooks standing on the bluff taking  
7 pictures...I think that same Taloa guy. Things could get ugly. " A Los  
8 Angeles Times photographer captured a pictured of Defendant Blakeman of  
9 the bluff filming plaintiffs. Plaintiffs believe that the Bay Boys take photos  
10 and/or video tape people as a form of harassment and intimidation. For  
11 example, plaintiffs are also informed and believe that a Lunada Bay local  
12 named Joshua Berstein was taking pictures at the MLK 2014 paddle out.  
13 Plaintiffs are also informed and believe that Berstein told several people  
14 after he photographed them, "Now we know who you are." Plaintiffs believe  
15 that the conducted directed at Reed by Blakeman and the individual Bay  
16 Boys is because she is a woman. Plaintiff is informed and believes that there  
17 are numerous text messages where the Bay Boys refer to Reed as a "bitch"  
18 and make sexual comments about her.

19       The specific acts directed against Reed include but are not limited to  
20 the following:

21           i)      Reed went to Lunada Bay on January 29, 2016 with Jordan  
22 Wright. Reed had intended to surf at Lunada Bay that day because the  
23 conditions were such that she felt comfortable surfing.<sup>16</sup> Immediately after  
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26           <sup>16</sup> Plaintiffs are informed and believe that there were text message sent on  
27 January 29, 2016 asking Defendant Papayans "Where are you? Kooks  
28 trying to get to the Bay." Plaintiffs are informed and believe that Papayans  
responded with a "LOL" and said he would be there.

1 they parked their car along the bluffs, the harassment began. Several men  
2 drove by and circled around their car. This was the day that she and Wright  
3 were harassed and intimidated by David Melo. Blakeman was recording  
4 them on land with his camera. It was very disturbing to Reed and made her  
5 feel very uncomfortable. Plaintiffs are informed and believe that this was  
6 witnessed by John MacHarg.

7       ii)     On or about February 12, 2016, The Los Angeles Times  
8 published an article called “Bay Boys surfer gang cannot block access to  
9 upscale beach, Coastal Commission says.” Jordan Wright and Cory  
10 Spencer are quoted in the article. Mr. Wright and a few others had planned  
11 to surf Lunada Bay the following morning. Plaintiffs are informed and believe  
12 that Defendants Johnston and Blakeman learned that Jordan Wright and  
13 Diana Reed were going to Lunada Bay and planned to be there to harass  
14 them. On February 12, 2016, Defendant Alan Johnston sent the following  
15 text messages to an unknown recipient: “No fucking way Taloa is back this  
16 year” and “If u really wanna be a bay boy we might meet help tomm.”

17       iii)    On February 13, 2016, Reed returned to Lunada Bay with  
18 Jordan Wright to watch him surf and take photographs. Prior to her arrival,  
19 she contacted the Palos Verdes Estates Police and requested an escort  
20 from the bluffs to the beach. She was concerned about her safety given the  
21 January 29, 2016 incident. She was told that the police were unavailable  
22 and no officers were present when they arrived. When Reed and Wright  
23 reached the beach, they encountered angry locals who were yelling at them.  
24 Reed and Wright ignored the harassment and Wright got into the water to  
25 surf and Reed made her way to the Rock Fort where she planned to watch  
26 Wright and photograph him.

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1       Approximately two hours after Reed had arrived at Lunada Bay, while  
2 she was standing in the Rock Fort taking photos, Blakeman and defendant  
3 Alan Johnston rushed into the fort and ran towards her in a hostile and  
4 aggressive manner. It seemed that they had coordinated and orchestrated  
5 the attack which completely caught Reed off guard. Blakeman was filming  
6 Reed again, and at times, held his camera right in her face. It was  
7 intimidating and harassing to Reed, and she feared for her safety.

8       Reed asked Blakeman and Johnston why they were filming her,  
9 because it made her uncomfortable. Blakeman responded, "because I feel  
10 like it." Johnston responded, "because you're hot. Because you're fucking  
11 sexy baby, wooh!" Johnston then opened a can of beer in a purposeful  
12 way so that it sprayed Reed's arm and her camera. Reed, paralyzed with  
13 fear, was unable to leave the Rock Fort as Blakeman and Johnston were  
14 standing closest to the exit.

15       iii) Plaintiffs are informed and believe that after the incident  
16 Defendant Johnston started calling and/or texting other Lunada Bay locals to  
17 check for police to plan a getaway. At around 1:00 pm Brad Travers (Travers  
18 Tree Service) texted Johnston: "Don't see any cops at the top." Plaintiffs are  
19 informed and believe that later that day Johnston received a text from his  
20 mother asking him "What happened at the bay?" Johnston replied "Nothing  
21 happened really just couple of trolls they got nothing."

22       Reed further identifies the following individuals as having knowledge of  
23 concerted efforts by the Bay Boys, including Blakeman:

24       Cory Spencer: Cory Spencer and Chris Taloa went to surf Lunada  
25 Bay. Almost instantly after they arrived at Lunada Bay, they started getting  
26 harassed by Bay Boys. They were told that they couldn't surf there, and  
27 Spencer was called a "kook," which is a derogatory surfing term. Spencer  
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1 was also told: "why don't you fucking go home, you fucking kook;" and was  
2 asked, "how many other good places did you pass to come here?" These  
3 are the same types of statements made by Defendant Sang Lee and others  
4 that can be observed on the video published by the Guardian.<sup>17</sup> These  
5 taunts started while Spencer and Taloa were on the bluffs getting ready to  
6 surf. One individual continued to heckle Spencer and Taloa on their way  
7 down to the beach and into the water.

8 Blakeman was already in the water and began paddling around  
9 Spencer and Taloa in a tight circle – staying just a few feet away from them.  
10 There was no legitimate reason for this conduct. Reed believes that this is a  
11 tactic used by the Bay Boys to harass people.<sup>18</sup> Blakeman impeded  
12 Spencer's movement in any direction and was intentionally blocking him  
13 from catching any waves. It was clear to Spencer that Blakeman was not  
14 there to surf that morning. Instead, his mission was to prevent Spencer and  
15 Taloa from surfing and to keep them from enjoying their time in the water,  
16 the open space, the waves, and nature. This the type of concerted effort was  
17 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep  
18 people from surfing at Lunada Bay. In the approximately 90 minutes that  
19 Spencer was in the water that day, Blakeman was focused on Spencer and  
20 Taloa and continued to shadow their movements and sit uncomfortably  
21 close to them. Spencer had never experienced anything like that before in  
22 his life. It was bizarre but also incredibly frightening and disturbing. It

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<sup>17</sup> <https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video>.

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<sup>18</sup> Plaintiffs are informed and believe that Defendant Papayans sent a text message describing similar conduct: "We just had a kook out in the water and me and Jack just sat on his ass."

1 appeared to Spencer that Blakeman was coordinating his actions with a  
2 group of guys who were standing in the Rock Fort, along with others in the  
3 water. They were all talking to each other and it was clear they all knew  
4 each other.

5 At one point while Spencer was in the water and was paddling west  
6 out to the ocean, he saw a man surfing, coming in east towards the shore.  
7 The Bay Boy ran over his hand/wrist that was holding his surfboard and one  
8 of the fins on his surfboard sliced open his right wrist. Spencer has about a  
9 half-inch scar from where this man ran him over. As soon as the Bay Boy  
10 ran him over, he started berating Spencer, saying things like "what are you  
11 fucking doing out here? I told you to go home. I should have run you over.  
12 Why are you paddling in the sun glare where I can't see you?" The Bay Boy  
13 was pretending that he didn't see Spencer but it was obvious that he did and  
14 intentionally ran him over. With over 30 years of surfing experience, Spencer  
15 knew that this collision was intentional on his part. Fearful of being further  
16 injured at that point, and not wanting to get into an argument with him,  
17 Spencer just paddled away. Spencer and Taloa caught one more wave after  
18 that and then decided it was getting too dangerous to surf. More men started  
19 showing up at the Rock Fort and Spencer and Taloa were growing  
20 increasingly fearful for their safety. Spencer was also bleeding and in pain.  
21 These incidents are described in the declarations filed with Plaintiffs' motion  
22 for class certification and the deposition of Spencer.

23 Christopher Taloa: As set forth above, Taloa and Spencer went surfing  
24 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman  
25 shadowing Spencer's movement in the water. Blakeman was in the water  
26 with four or five other Lunada Bay Locals. At one point, Blakeman paddled  
27 toward Taloa, at which point Taloa told him that he was too close.

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1 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."  
2 Taloa kept moving in the water, and Blakeman attempted to keep up with  
3 him but was not in good enough shape to do so.

4 Jen Bell: The incident described above was witnessed by a woman  
5 named Jen Bell who had gone to Lunada Bay that same day to photograph  
6 a guy from Malibu. When she attempted sit down on the beach with her  
7 pack, a man said: "You are practically sitting in a men's locker-room. You  
8 don't make me feel comfortable." Bell continued to sit there for another 10  
9 minutes because she refused to be intimated but eventually decided to head  
10 over to the fort because she saw another woman, Diana Reed, was taking  
11 photos. Bell was in the Rock Fort when Blakeman and Johnston arrived. It  
12 was obvious from the start that Johnston and Blakeman were there with the  
13 intent to harass Reed. Johnston was making rude comments to both her and  
14 Reed. Blakeman was putting the GoPro in their faces. Johnston was  
15 chugging multiple beers and it was early in the morning. Johnston asked her  
16 to help him with his wetsuit. He said "Can you help me with this?" and  
17 handed her the leg of his wetsuit. Johnston made moaning sounds when  
18 she took it like he was having an orgasm.

19 Jordan Wright: Wright attempted to surf Lunada Bay in January 2015  
20 with Chris Claypool and Kenneth Claypool. He observed Blakeman  
21 harassing Chris and Ken. Wright was sitting on the outside waiting his turn  
22 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-  
23 foot-high wave and was up riding for several seconds. Alan Johnston  
24 paddled the wrong way on this wave, dropped in on him going the wrong  
25 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer  
26 while going the wrong way violates normal surf etiquette. Johnston then  
27 collided with Wright, and their leashes got tangled. After they surfaced from  
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1 the collision, Johnston then got close to Wright and yelled, "You had to  
2 fucking take that wave, didn't you!" The next wave that came through then  
3 broke Wright's leash plug and the board was carried into the rocks, which  
4 destroyed a new surfboard. Wright had to swim in over rocks to get his  
5 board and cut his hands on the rocks doing so. Wright is confident that  
6 Johnston attempted to purposefully injure him. What he did was extremely  
7 dangerous.

8 Wright has observed Blakeman on many occasions. Blakeman is easy  
9 to identify because he rides a kneeboard and he is regularly filming visitors  
10 on land with a camcorder. Wright believes his filming is an effort to intimidate  
11 visitors. In the water, Wright has observed what appears to be Blakeman  
12 directing other Bay Boys to sit close to visiting surfers. Wright has observed  
13 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to  
14 the visitors, impede their movements, block their surfing, kick at them,  
15 splash water at them, and dangerously drop in on them. In addition to  
16 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,  
17 Charlie Ferrara, and David Melo engage in this activity. These incidents are  
18 described in the declarations filed with Plaintiffs' motion for class  
19 certification.

20 Ken Claypool: has been harassed and filmed by Blakeman in an  
21 attempt to intimidate him at Lunada Bay on multiple occasions. In January  
22 2015, Claypool and his brother Chris Claypool along with Jordan Wright  
23 went to surf Lunada Bay. There were about five Lunada Bay locals in the  
24 water, including Blakeman who paddled over and threatened them. Claypool  
25 observed Blakeman intentionally drop in on Wright at least twice.

26 On February 5, 2016, Claypool went to Lunada Bay with Chris Taloa  
27 and Jordan Wright. There was a photographer from the Los Angeles Times  
28

1 that was there. Also in attendance was Cory Spencer and Diana Reed.  
2 Spencer was there to watch the cars. Blakeman was there filming in an  
3 effort to intimidate visitors. Blakeman can be seen in one of the pictures  
4 taken by the photographer. Also present was Defendant Papayans. Plaintiffs  
5 are informed and believe that there was a text message sent that day to  
6 Papayans, Michael Theil and 11 other people stating that there were 5  
7 kooks standing on the bluff taking pictures, including Taloa. Plaintiffs are  
8 informed that the text states: "Things could get ugly. We all need to surf."  
9 These incidents are described in the declarations filed with Plaintiffs' motion  
10 for class certification.

11       Chris Claypool: he and his brother Ken and Jordan Wright attempted  
12 to surf Lunada Bay in January 2015. There were about five locals in the  
13 water, including Blakeman who paddled over and was yelling, "Try and catch  
14 a wave and see what happens. There is no fucking way you are getting a  
15 wave. Just go in. Just go. You better not cut me off." Blakeman looked  
16 possessed or possibly on drugs. His behavior got more bizarre throughout  
17 the morning. He seemed to be paddling for every wave that he could  
18 physically push himself into, perhaps to make a point, but he was wiping out  
19 a lot and falling down the face and tumbling across the rock reef. Blakeman  
20 looked dangerous to himself. When Blakeman would actually catch a wave  
21 in, he would paddle back to where Claypool and his brother were sitting, and  
22 continue his insane rant. On one occasion, Blakeman came less than 12  
23 inches from Claypool's ear and was screaming. It was so loud, Claypool had  
24 to put his fingers in his ear to protect them from being damaged. Claypool is  
25 a sound engineer and to put this in perspective, a rock concert creates about  
26 120 decibels of noise - this was louder; a jet engine creates about 150  
27 decibels. At one point Blakeman caught a wave and drew a line aiming right  
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1 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"  
2 as he narrowly missed Claypool's head. Claypool watched as Blakeman  
3 intentionally dropped in on Jordan at least twice. It seemed obvious to  
4 Claypool that Blakeman and the other Bay Boy wanted to make sure none of  
5 them were having fun. Because of the danger, they decided to leave.

6       When Claypool and his brother got out of water, they saw people  
7 gathering on top of the cliff. One person was videotaping them from the top  
8 of the cliff; it was clear to Claypool that he was doing this to try and  
9 intimidate them. The people were watching them from the cliff. It was  
10 obvious that Blakeman engaged in a concerted effort with other Bay Boys to  
11 obstruct his free passage and use in the customary manner of a public  
12 space. It also seemed clear that Blakeman engaged in a concerted effort  
13 with other Bay Boys to try and injure him. These incidents are described in  
14 the declarations filed with Plaintiffs' motion for class certification.

15       Jason Gersch: While observing the surf, Gersch was approached by  
16 two local Bay Boys named Peter McCollum and Brant Blakeman. These  
17 individuals made it known to Gersch that he could not surf there. These  
18 incidents are described in the declarations filed with Plaintiffs' motion for  
19 class certification.

20       Plaintiffs are informed and believe and on that basis allege that  
21 Defendant Blakeman and his attorneys are attempting to intimidate  
22 witnesses in this case. On at least two occasions, an investigator hired by  
23 Blakeman's attorneys contacted witnesses represented by Plaintiffs'  
24 attorneys. The investigator also showed up at the home of a reporter that  
25 has not been listed as a witness.

26       The request is premature. Because Blakeman and the other  
27 defendants are refusing to comply with their obligations to produce

1 documents under the federal rules and are impermissibly withholding  
2 evidence and/or possibly spoliating evidence, we are not able to fully  
3 respond to discovery requests which necessarily rely on our ability to fully  
4 investigate the facts. As discovery is continuing, Reed reserves the right to  
5 update this response.

6 **INTERROGATORY NO. 9:**

7 IDENTIFY ALL PERSONS that have knowledge of any facts that  
8 support plaintiffs' Second Cause of Action in the Complaint (Public  
9 Nuisance) against BRANT BLAKEMAN, and for each such PERSON  
10 identified state all facts you contend are within that PERSON's knowledge.

11 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 9:**

12 Responding Party objects to this interrogatory as premature. Because  
13 this interrogatory seeks or necessarily relies upon a contention, and  
14 because this matter is in its early stages and pretrial discovery has only just  
15 begun, Responding Party is unable to provide a complete response at this  
16 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,  
17 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at \*1; *Folz v. Union Pacific*  
18 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at \*1-2.; see  
19 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]  
20 interrogatory need not be answered until designated discovery is complete,  
21 or until a pretrial conference or some other time.").

22 Responding Party further objects to this interrogatory as unduly  
23 burdensome, harassing, and duplicative of information disclosed in  
24 Responding Party's Rule 26(a) disclosures and supplemental disclosures.  
25 Propounding Party may look to Responding Party's Rule 26(a) disclosures  
26 and supplemental disclosures for the information sought by this

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1 interrogatory. Moreover, Responding Party had the opportunity to depose  
2 Ms. Reed on this topic.

3        Responding Party further objects to this interrogatory as compound.  
4 This “interrogatory” contains multiple impermissible subparts, which  
5 Propounding Party has propounded to circumvent the numerical limitations  
6 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

7        Responding Party further objects to this interrogatory on the grounds  
8 that it seeks information that is outside of Responding Party's knowledge.

9        Responding Party further objects to the extent that this interrogatory  
10 invades attorney-client privilege and/or violates the work product doctrine by  
11 compelling Responding Party to disclose privileged communications and/or  
12 litigation strategy.

13        Subject to and without waiver of the foregoing objections, Responding  
14 Party responds as follows:

15        In addition to each defendant named in his individual capacity and  
16 other persons identified in Plaintiffs' initial and Supplemental Disclosures,  
17 and the evidence submitted in support of Plaintiffs motion for class  
18 certification, Responding Party identifies the following individuals:

19        Diana Reed: believes that Blakeman engaged in a concerted effort  
20 with other Bay Boys to obstruct the plaintiffs' and the publics' free passage  
21 and use in the customary manner of a public space. Reed also believes that  
22 Blakeman coordinated with other Bay Boys to harass and assault the  
23 plaintiffs and the public when they were visiting Lunada Bay. Reed believes  
24 that the conduct directed at the plaintiffs and others trying to surf Lunada  
25 Bay is part of an agreement among Blakeman and the other Bay Boys,  
26 which at a minimum, may be implied by the conduct of the parties and other  
27 members of the Bay Boys. Reed believes that the Bay Boys concerted

1 efforts to stop the public from accessing the beach are documented in text  
2 messages and emails some of which have been destroyed or are being  
3 withheld by the Defendants in this case. For example, on February 5, 2016,  
4 Charles Mowat sent a text message to Defendant Brant Blakeman, Tom  
5 Sullivan, David Yoakley, Andy Patch, Defendant Michael Papayans and  
6 several others that said "There are 5 kooks standing on the bluff taking  
7 pictures...I think that same Taloa guy. Things could get ugly. " A Los  
8 Angeles Times photographer captured a pictured of Defendant Blakeman of  
9 the bluff filming plaintiffs. Plaintiffs believe that the Bay Boys take photos  
10 and/or video tape people as a form of harassment and intimidation. For  
11 example, plaintiffs are also informed and believe that a Lunada Bay local  
12 named Joshua Berstein was taking pictures at the MLK 2014 paddle out.  
13 Plaintiffs are also informed and believe that Berstein told several people  
14 after he photographed them, "Now we know who you are." Plaintiffs believe  
15 that the conducted directed at Reed by Blakeman and the individual Bay  
16 Boys is because she is a woman. Plaintiff is informed and believes that there  
17 are numerous text messages where the Bay Boys refer to Reed as a "bitch"  
18 and make sexual comments about her.

19       The specific acts directed against Reed include but are not limited to  
20 the following:

21           i)      Reed went to Lunada Bay on January 29, 2016 with Jordan  
22 Wright. Reed had intended to surf at Lunada Bay that day because the  
23 conditions were such that she felt comfortable surfing.<sup>19</sup> Immediately after  
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25  
26           <sup>19</sup> Plaintiffs are informed and believe that there were text message sent on  
27 January 29, 2016 asking Defendant Papayans "Where are you? Kooks  
28 trying to get to the Bay." Plaintiffs are informed and believe that Papayans  
responded with a "LOL" and said he would be there.

1 they parked their car along the bluffs, the harassment began. Several men  
2 drove by and circled around their car. This was the day that she and Wright  
3 were harassed and intimidated by David Melo. Blakeman was recording  
4 them on land with his camera. It was very disturbing to Reed and made her  
5 feel very uncomfortable. Plaintiffs are informed and believe that this was  
6 witnessed by John MacHarg.

7       ii) On or about February 12, 2016, The Los Angeles Times  
8 published an article called "Bay Boys surfer gang cannot block access to  
9 upscale beach, Coastal Commission says." Jordan Wright and Cory  
10 Spencer are quoted in the article. Mr. Wright and a few others had planned  
11 to surf Lunada Bay the following morning. Plaintiffs are informed and believe  
12 that Defendants Johnston and Blakeman learned that Jordan Wright and  
13 Diana Reed were going to Lunada Bay and planned to be there to harass  
14 them. On February 12, 2016, Defendant Alan Johnston sent the following  
15 text messages to an unknown recipient: "No fucking way Taloa is back this  
16 year" and "If u really wanna be a bay boy we might meet help tomm."

17       iii) On February 13, 2016, Reed returned to Lunada Bay with  
18 Jordan Wright to watch him surf and take photographs. Prior to her arrival,  
19 she contacted the Palos Verdes Estates Police and requested an escort  
20 from the bluffs to the beach. She was concerned about her safety given the  
21 January 29, 2016 incident. She was told that the police were unavailable  
22 and no officers were present when they arrived. When Reed and Wright  
23 reached the beach, they encountered angry locals who were yelling at them.  
24 Reed and Wright ignored the harassment and Wright got into the water to  
25 surf and Reed made her way to the Rock Fort where she planned to watch  
26 Wright and photograph him.

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1       Approximately two hours after Reed had arrived at Lunada Bay, while  
2 she was standing in the Rock Fort taking photos, Blakeman and defendant  
3 Alan Johnston rushed into the fort and ran towards her in a hostile and  
4 aggressive manner. It seemed that they had coordinated and orchestrated  
5 the attack which completely caught Reed off guard. Blakeman was filming  
6 Reed again, and at times, held his camera right in her face. It was  
7 intimidating and harassing to Reed, and she feared for her safety.

8       Reed asked Blakeman and Johnston why they were filming her,  
9 because it made her uncomfortable. Blakeman responded, "because I feel  
10 like it." Johnston responded, "because you're hot. Because you're fucking  
11 sexy baby, woohoo!" Johnston then opened a can of beer in a purposeful  
12 way so that it sprayed Reed's arm and her camera. Reed, paralyzed with  
13 fear, was unable to leave the Rock Fort as Blakeman and Johnston were  
14 standing closest to the exit.

15       iii) Plaintiffs are informed and believe that after the incident  
16 Defendant Johnston started calling and/or texting other Lunada Bay locals to  
17 check for police to plan a getaway. At around 1:00 pm Brad Travers (Travers  
18 Tree Service) texted Johnston: "Don't see any cops at the top." Plaintiffs are  
19 informed and believe that later that day Johnston received a text from his  
20 mother asking him "What happened at the bay?" Johnston replied "Nothing  
21 happened really just couple of trolls they got nothing."

22       Reed further identifies the following individuals as having knowledge of  
23 concerted efforts by the Bay Boys, including Blakeman:

24       Cory Spencer: Cory Spencer and Chris Taloa went to surf Lunada  
25 Bay. Almost instantly after they arrived at Lunada Bay, they started getting  
26 harassed by Bay Boys. They were told that they couldn't surf there, and  
27 Spencer was called a "kook," which is a derogatory surfing term. Spencer  
28

1 was also told: "why don't you fucking go home, you fucking kook;" and was  
2 asked, "how many other good places did you pass to come here?" These  
3 are the same types of statements made by Defendant Sang Lee and others  
4 that can be observed on the video published by the Guardian.<sup>20</sup> These  
5 taunts started while Spencer and Taloa were on the bluffs getting ready to  
6 surf. One individual continued to heckle Spencer and Taloa on their way  
7 down to the beach and into the water.

8 Blakeman was already in the water and began paddling around  
9 Spencer and Taloa in a tight circle – staying just a few feet away from them.  
10 There was no legitimate reason for this conduct. Reed believes that this is a  
11 tactic used by the Bay Boys to harass people.<sup>21</sup> Blakeman impeded  
12 Spencer's movement in any direction and was intentionally blocking him  
13 from catching any waves. It was clear to Spencer that Blakeman was not  
14 there to surf that morning. Instead, his mission was to prevent Spencer and  
15 Taloa from surfing and to keep them from enjoying their time in the water,  
16 the open space, the waves, and nature. This the type of concerted effort was  
17 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep  
18 people from surfing at Lunada Bay. In the approximately 90 minutes that  
19 Spencer was in the water that day, Blakeman was focused on Spencer and  
20 Taloa and continued to shadow their movements and sit uncomfortably  
21 close to them. Spencer had never experienced anything like that before in  
22 his life. It was bizarre but also incredibly frightening and disturbing. It

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25 <sup>20</sup> <https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video>.

26

27 <sup>21</sup> Plaintiffs are informed and believe that Defendant Papayans sent a text  
28 message describing similar conduct: "We just had a kook out in the water  
and me and Jack just sat on his ass."

1 appeared to Spencer that Blakeman was coordinating his actions with a  
2 group of guys who were standing in the Rock Fort, along with others in the  
3 water. They were all talking to each other and it was clear they all knew  
4 each other.

5 At one point while Spencer was in the water and was paddling west  
6 out to the ocean, he saw a man surfing, coming in east towards the shore.  
7 The Bay Boy ran over his hand/wrist that was holding his surfboard and one  
8 of the fins on his surfboard sliced open his right wrist. Spencer has about a  
9 half-inch scar from where this man ran him over. As soon as the Bay Boy  
10 ran him over, he started berating Spencer, saying things like "what are you  
11 fucking doing out here? I told you to go home. I should have run you over.  
12 Why are you paddling in the sun glare where I can't see you?" The Bay Boy  
13 was pretending that he didn't see Spencer but it was obvious that he did and  
14 intentionally ran him over. With over 30 years of surfing experience, Spencer  
15 knew that this collision was intentional on his part. Fearful of being further  
16 injured at that point, and not wanting to get into an argument with him,  
17 Spencer just paddled away. Spencer and Taloa caught one more wave after  
18 that and then decided it was getting too dangerous to surf. More men started  
19 showing up at the Rock Fort and Spencer and Taloa were growing  
20 increasingly fearful for their safety. Spencer was also bleeding and in pain.  
21 These incidents are described in the declarations filed with Plaintiffs' motion  
22 for class certification and the deposition of Spencer.

23 Christopher Taloa: As set forth above, Taloa and Spencer went surfing  
24 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman  
25 shadowing Spencer's movement in the water. Blakeman was in the water  
26 with four or five other Lunada Bay Locals. At one point, Blakeman paddled  
27 toward Taloa, at which point Taloa told him that he was too close.

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1 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."  
2 Taloa kept moving in the water, and Blakeman attempted to keep up with  
3 him but was not in good enough shape to do so.

4 Jen Bell: The incident described above was witnessed by a woman  
5 named Jen Bell who had gone to Lunada Bay that same day to photograph  
6 a guy from Malibu. When she attempted sit down on the beach with her  
7 pack, a man said: "You are practically sitting in a men's locker-room. You  
8 don't make me feel comfortable." Bell continued to sit there for another 10  
9 minutes because she refused to be intimated but eventually decided to head  
10 over to the fort because she saw another woman, Diana Reed, was taking  
11 photos. Bell was in the Rock Fort when Blakeman and Johnston arrived. It  
12 was obvious from the start that Johnston and Blakeman were there with the  
13 intent to harass Reed. Johnston was making rude comments to both her and  
14 Reed. Blakeman was putting the GoPro in their faces. Johnston was  
15 chugging multiple beers and it was early in the morning. Johnston asked her  
16 to help him with his wetsuit. He said "Can you help me with this?" and  
17 handed her the leg of his wetsuit. Johnston made moaning sounds when  
18 she took it like he was having an orgasm.

19 Jordan Wright: Wright attempted to surf Lunada Bay in January 2015  
20 with Chris Claypool and Kenneth Claypool. He observed Blakeman  
21 harassing Chris and Ken. Wright was sitting on the outside waiting his turn  
22 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-  
23 foot-high wave and was up riding for several seconds. Alan Johnston  
24 paddled the wrong way on this wave, dropped in on him going the wrong  
25 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer  
26 while going the wrong way violates normal surf etiquette. Johnston then  
27 collided with Wright, and their leashes got tangled. After they surfaced from  
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1 the collision, Johnston then got close to Wright and yelled, "You had to  
2 fucking take that wave, didn't you!" The next wave that came through then  
3 broke Wright's leash plug and the board was carried into the rocks, which  
4 destroyed a new surfboard. Wright had to swim in over rocks to get his  
5 board and cut his hands on the rocks doing so. Wright is confident that  
6 Johnston attempted to purposefully injure him. What he did was extremely  
7 dangerous.

8 Wright has observed Blakeman on many occasions. Blakeman is easy  
9 to identify because he rides a kneeboard and he is regularly filming visitors  
10 on land with a camcorder. Wright believes his filming is an effort to intimidate  
11 visitors. In the water, Wright has observed what appears to be Blakeman  
12 directing other Bay Boys to sit close to visiting surfers. Wright has observed  
13 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to  
14 the visitors, impede their movements, block their surfing, kick at them,  
15 splash water at them, and dangerously drop in on them. In addition to  
16 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,  
17 Charlie Ferrara, and David Melo engage in this activity. These incidents are  
18 described in the declarations filed with Plaintiffs' motion for class  
19 certification.

20 Ken Claypool: has been harassed and filmed by Blakeman in an  
21 attempt to intimidate him at Lunada Bay on multiple occasions. In January  
22 2015, Claypool and his brother Chris Claypool along with Jordan Wright  
23 went to surf Lunada Bay. There were about five Lunada Bay locals in the  
24 water, including Blakeman who paddled over and threatened them. Claypool  
25 observed Blakeman intentionally drop in on Wright at least twice.

26 On February 5, 2016, Claypool went to Lunada Bay with Chris Taloa  
27 and Jordan Wright. There was a photographer from the Los Angeles Times  
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1 that was there. Also in attendance was Cory Spencer and Diana Reed.  
2 Spencer was there to watch the cars. Blakeman was there filming in an  
3 effort to intimidate visitors. Blakeman can be seen in one of the pictures  
4 taken by the photographer. Also present was Defendant Papayans. Plaintiffs  
5 are informed and believe that there was a text message sent that day to  
6 Papayans, Michael Theil and 11 other people stating that there were 5  
7 kooks standing on the bluff taking pictures, including Taloa. Plaintiffs are  
8 informed that the text states: "Things could get ugly. We all need to surf."  
9 These incidents are described in the declarations filed with Plaintiffs' motion  
10 for class certification.

11       Chris Claypool: he and his brother Ken and Jordan Wright attempted  
12 to surf Lunada Bay in January 2015. There were about five locals in the  
13 water, including Blakeman who paddled over and was yelling, "Try and catch  
14 a wave and see what happens. There is no fucking way you are getting a  
15 wave. Just go in. Just go. You better not cut me off." Blakeman looked  
16 possessed or possibly on drugs. His behavior got more bizarre throughout  
17 the morning. He seemed to be paddling for every wave that he could  
18 physically push himself into, perhaps to make a point, but he was wiping out  
19 a lot and falling down the face and tumbling across the rock reef. Blakeman  
20 looked dangerous to himself. When Blakeman would actually catch a wave  
21 in, he would paddle back to where Claypool and his brother were sitting, and  
22 continue his insane rant. On one occasion, Blakeman came less than 12  
23 inches from Claypool's ear and was screaming. It was so loud, Claypool had  
24 to put his fingers in his ear to protect them from being damaged. Claypool is  
25 a sound engineer and to put this in perspective, a rock concert creates about  
26 120 decibels of noise - this was louder; a jet engine creates about 150  
27 decibels. At one point Blakeman caught a wave and drew a line aiming right  
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1 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"  
2 as he narrowly missed Claypool's head. Claypool watched as Blakeman  
3 intentionally dropped in on Jordan at least twice. It seemed obvious to  
4 Claypool that Blakeman and the other Bay Boy wanted to make sure none of  
5 them were having fun. Because of the danger, they decided to leave.

6       When Claypool and his brother got out of water, they saw people  
7 gathering on top of the cliff. One person was videotaping them from the top  
8 of the cliff; it was clear to Claypool that he was doing this to try and  
9 intimidate them. The people were watching them from the cliff. It was  
10 obvious that Blakeman engaged in a concerted effort with other Bay Boys to  
11 obstruct his free passage and use in the customary manner of a public  
12 space. It also seemed clear that Blakeman engaged in a concerted effort  
13 with other Bay Boys to try and injure him. These incidents are described in  
14 the declarations filed with Plaintiffs' motion for class certification.

15       Jason Gersch: While observing the surf, Gersch was approached by  
16 two local Bay Boys named Peter McCollum and Brant Blakeman. These  
17 individuals made it known to Gersch that he could not surf there. These  
18 incidents are described in the declarations filed with Plaintiffs' motion for  
19 class certification.

20       Plaintiffs are informed and believe and on that basis allege that  
21 Defendant Blakeman and his attorneys are attempting to intimidate  
22 witnesses in this case. On at least two occasions, an investigator hired by  
23 Blakeman's attorneys contacted witnesses represented by Plaintiffs'  
24 attorneys. The investigator also showed up at the home of a reporter that  
25 has not been listed as a witness.

26       The request is premature. Because Blakeman and the other  
27 defendants are refusing to comply with their obligations to produce

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1 documents under the federal rules and are impermissibly withholding  
2 evidence and/or possibly spoliating evidence, we are not able to fully  
3 respond to discovery requests which necessarily rely on our ability to fully  
4 investigate the facts. As discovery is continuing, Reed reserves the right to  
5 update this response.

6 **INTERROGATORY NO. 10:**

7 IDENTIFY ALL PERSONS that have knowledge of any facts that  
8 support plaintiffs' Sixth Cause of Action in the Complaint (Assault) against  
9 BRANT BLAKEMAN, and for each such PERSON identified state all facts  
10 you contend are within that PERSON's knowledge.

11 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 10:**

12 Responding Party objects to this interrogatory as premature. Because  
13 this interrogatory seeks or necessarily relies upon a contention, and  
14 because this matter is in its early stages and pretrial discovery has only just  
15 begun, Responding Party is unable to provide a complete response at this  
16 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,  
17 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at \*1; *Folz v. Union Pacific*  
18 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at \*1-2.; see  
19 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]  
20 interrogatory need not be answered until designated discovery is complete,  
21 or until a pretrial conference or some other time.").

22 Responding Party further objects to this interrogatory as unduly  
23 burdensome, harassing, and duplicative of information disclosed in  
24 Responding Party's Rule 26(a) disclosures and supplemental disclosures.  
25 Propounding Party may look to Responding Party's Rule 26(a) disclosures  
26 and supplemental disclosures for the information sought by this

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1 interrogatory. Moreover, Responding Party had the opportunity to depose  
2 Ms. Reed on this topic.

3        Responding Party further objects to this interrogatory as compound.  
4 This “interrogatory” contains multiple impermissible subparts, which  
5 Propounding Party has propounded to circumvent the numerical limitations  
6 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

7        Responding Party further objects to this interrogatory on the grounds  
8 that it seeks information that is outside of Responding Party's knowledge.

9        Responding Party further objects to the extent that this interrogatory  
10 invades attorney-client privilege and/or violates the work product doctrine by  
11 compelling Responding Party to disclose privileged communications and/or  
12 litigation strategy.

13        Subject to and without waiver of the foregoing objections, Responding  
14 Party responds as follows:

15        In addition to each defendant named in his individual capacity and  
16 other persons identified in Plaintiffs' initial and Supplemental Disclosures,  
17 and the evidence submitted in support of Plaintiffs motion for class  
18 certification, Responding Party identifies the following individuals:

19        Diana Reed: believes that Blakeman engaged in a concerted effort  
20 with other Bay Boys to obstruct the plaintiffs' and the publics' free passage  
21 and use in the customary manner of a public space. Reed also believes that  
22 Blakeman coordinated with other Bay Boys to harass and assault the  
23 plaintiffs and the public when they were visiting Lunada Bay. Reed believes  
24 that the conduct directed at the plaintiffs and others trying to surf Lunada  
25 Bay is part of an agreement among Blakeman and the other Bay Boys,  
26 which at a minimum, may be implied by the conduct of the parties and other  
27 members of the Bay Boys. Reed believes that the Bay Boys concerted

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1 efforts to stop the public from accessing the beach are documented in text  
2 messages and emails some of which have been destroyed or are being  
3 withheld by the Defendants in this case. For example, on February 5, 2016,  
4 Charles Mowat sent a text message to Defendant Brant Blakeman, Tom  
5 Sullivan, David Yoakley, Andy Patch, Defendant Michael Papayans and  
6 several others that said "There are 5 kooks standing on the bluff taking  
7 pictures...I think that same Taloa guy. Things could get ugly." A Los Angeles  
8 Times photographer captured a pictured of Defendant Blakeman of the bluff  
9 filming plaintiffs. Plaintiffs believe that the Bay Boys take photos and/or  
10 video tape people as a form of harassment and intimidation. For example,  
11 plaintiffs are also informed and believe that a Lunada Bay local named  
12 Joshua Berstein was taking pictures at the MLK 2014 paddle out. Plaintiffs  
13 are also informed and believe that Berstein told several people after he  
14 photographed them, "Now we know who you are." Plaintiffs believe that the  
15 conduct directed at Reed by Blakeman and the individual Bay Boys is  
16 because she is a woman. Plaintiff is informed and believes that there are  
17 numerous text messages where the Bay Boys refer to Reed as a "bitch" and  
18 make sexual comments about her.

19       The specific acts directed against Reed include but are not limited to  
20 the following:

21           i)      Reed went to Lunada Bay on January 29, 2016 with Jordan  
22 Wright. Reed had intended to surf at Lunada Bay that day because the  
23 conditions were such that she felt comfortable surfing.<sup>22</sup> Immediately after  
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26           <sup>22</sup> Plaintiffs are informed and believe that there were text message sent on  
27 January 29, 2016 asking Defendant Papayans "Where are you? Kooks  
28 trying to get to the Bay." Plaintiffs are informed and believe that Papayans  
responded with a "LOL" and said he would be there.

1 they parked their car along the bluffs, the harassment began. Several men  
2 drove by and circled around their car. This was the day that she and Wright  
3 were harassed and intimidated by David Melo. Blakeman was recording  
4 them on land with his camera. It was very disturbing to Reed and made her  
5 feel very uncomfortable. Plaintiffs are informed and believe that this was  
6 witnessed by John MacHarg.

7       ii)     On or about February 12, 2016, The Los Angeles Times  
8 published an article called "Bay Boys surfer gang cannot block access to  
9 upscale beach, Coastal Commission says." Jordan Wright and Cory  
10 Spencer are quoted in the article. Mr. Wright and a few others had planned  
11 to surf Lunada Bay the following morning. Plaintiffs are informed and believe  
12 that Defendants Johnston and Blakeman learned that Jordan Wright and  
13 Diana Reed were going to Lunada Bay and planned to be there to harass  
14 them. On February 12, 2016, Defendant Alan Johnston sent the following  
15 text messages to an unknown recipient: "No fucking way Taloa is back this  
16 year" and "If u really wanna be a bay boy we might meet help tomm."

17       iii)    On February 13, 2016, Reed returned to Lunada Bay with  
18 Jordan Wright to watch him surf and take photographs. Prior to her arrival,  
19 she contacted the Palos Verdes Estates Police and requested an escort  
20 from the bluffs to the beach. She was concerned about her safety given the  
21 January 29, 2016 incident. She was told that the police were unavailable  
22 and no officers were present when they arrived. When Reed and Wright  
23 reached the beach, they encountered angry locals who were yelling at them.  
24 Reed and Wright ignored the harassment and Wright got into the water to  
25 surf and Reed made her way to the Rock Fort where she planned to watch  
26 Wright and photograph him.

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1       Approximately two hours after Reed had arrived at Lunada Bay, while  
2 she was standing in the Rock Fort taking photos, Blakeman and defendant  
3 Alan Johnston rushed into the fort and ran towards her in a hostile and  
4 aggressive manner. It seemed that they had coordinated and orchestrated  
5 the attack which completely caught Reed off guard. Blakeman was filming  
6 Reed again, and at times, held his camera right in her face. It was  
7 intimidating and harassing to Reed, and she feared for her safety.

8       Reed asked Blakeman and Johnston why they were filming her,  
9 because it made her uncomfortable. Blakeman responded, "because I feel  
10 like it." Johnston responded, "because you're hot. Because you're fucking  
11 sexy baby, woohoo!" Johnston then opened a can of beer in a purposeful  
12 way so that it sprayed Reed's arm and her camera. Reed, paralyzed with  
13 fear, was unable to leave the Rock Fort as Blakeman and Johnston were  
14 standing closest to the exit.

15       iii) Plaintiffs are informed and believe that after the incident  
16 Defendant Johnston started calling and/or texting other Lunada Bay locals to  
17 check for police to plan a getaway. At around 1:00 pm Brad Travers (Travers  
18 Tree Service) texted Johnston: "Don't see any cops at the top." Plaintiffs are  
19 informed and believe that later that day Johnston received a text from his  
20 mother asking him "What happened at the bay?" Johnston replied "Nothing  
21 happened really just couple of trolls they got nothing."

22       Reed further identifies the following individuals as having knowledge of  
23 concerted efforts by the Bay Boys, including Blakeman:

24       Cory Spencer: Cory Spencer and Chris Taloa went to surf Lunada  
25 Bay. Almost instantly after they arrived at Lunada Bay, they started getting  
26 harassed by Bay Boys. They were told that they couldn't surf there, and  
27 Spencer was called a "kook," which is a derogatory surfing term. Spencer  
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1 was also told: "why don't you fucking go home, you fucking kook;" and was  
2 asked, "how many other good places did you pass to come here?" These  
3 are the same types of statements made by Defendant Sang Lee and others  
4 that can be observed on the video published by the Guardian.<sup>23</sup> These  
5 taunts started while Spencer and Taloa were on the bluffs getting ready to  
6 surf. One individual continued to heckle Spencer and Taloa on their way  
7 down to the beach and into the water.

8 Blakeman was already in the water and began paddling around  
9 Spencer and Taloa in a tight circle – staying just a few feet away from them.  
10 There was no legitimate reason for this conduct. Reed believes that this is a  
11 tactic used by the Bay Boys to harass people.<sup>24</sup> Blakeman impeded  
12 Spencer's movement in any direction and was intentionally blocking him  
13 from catching any waves. It was clear to Spencer that Blakeman was not  
14 there to surf that morning. Instead, his mission was to prevent Spencer and  
15 Taloa from surfing and to keep them from enjoying their time in the water,  
16 the open space, the waves, and nature. This the type of concerted effort was  
17 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep  
18 people from surfing at Lunada Bay. In the approximately 90 minutes that  
19 Spencer was in the water that day, Blakeman was focused on Spencer and  
20 Taloa and continued to shadow their movements and sit uncomfortably  
21 close to them. Spencer had never experienced anything like that before in  
22 his life. It was bizarre but also incredibly frightening and disturbing. It

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3 water. They were all talking to each other and it was clear they all knew  
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5 At one point while Spencer was in the water and was paddling west  
6 out to the ocean, he saw a man surfing, coming in east towards the shore.  
7 The Bay Boy ran over his hand/wrist that was holding his surfboard and one  
8 of the fins on his surfboard sliced open his right wrist. Spencer has about a  
9 half-inch scar from where this man ran him over. As soon as the Bay Boy  
10 ran him over, he started berating Spencer, saying things like "what are you  
11 fucking doing out here? I told you to go home. I should have run you over.  
12 Why are you paddling in the sun glare where I can't see you?" The Bay Boy  
13 was pretending that he didn't see Spencer but it was obvious that he did and  
14 intentionally ran him over. With over 30 years of surfing experience, Spencer  
15 knew that this collision was intentional on his part. Fearful of being further  
16 injured at that point, and not wanting to get into an argument with him,  
17 Spencer just paddled away. Spencer and Taloa caught one more wave after  
18 that and then decided it was getting too dangerous to surf. More men started  
19 showing up at the Rock Fort and Spencer and Taloa were growing  
20 increasingly fearful for their safety. Spencer was also bleeding and in pain.  
21 These incidents are described in the declarations filed with Plaintiffs' motion  
22 for class certification and the deposition of Spencer.

23 Christopher Taloa: As set forth above, Taloa and Spencer went surfing  
24 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman  
25 shadowing Spencer's movement in the water. Blakeman was in the water  
26 with four or five other Lunada Bay Locals. At one point, Blakeman paddled  
27 toward Taloa, at which point Taloa told him that he was too close.

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1 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."  
2 Taloa kept moving in the water, and Blakeman attempted to keep up with  
3 him but was not in good enough shape to do so.

4 Jen Bell: The incident described above was witnessed by a woman  
5 named Jen Bell who had gone to Lunada Bay that same day to photograph  
6 a guy from Malibu. When she attempted sit down on the beach with her  
7 pack, a man said: "You are practically sitting in a men's locker-room. You  
8 don't make me feel comfortable." Bell continued to sit there for another 10  
9 minutes because she refused to be intimated but eventually decided to head  
10 over to the fort because she saw another woman, Diana Reed, was taking  
11 photos. Bell was in the Rock Fort when Blakeman and Johnston arrived. It  
12 was obvious from the start that Johnston and Blakeman were there with the  
13 intent to harass Reed. Johnston was making rude comments to both her and  
14 Reed. Blakeman was putting the GoPro in their faces. Johnston was  
15 chugging multiple beers and it was early in the morning. Johnston asked her  
16 to help him with his wetsuit. He said "Can you help me with this?" and  
17 handed her the leg of his wetsuit. Johnston made moaning sounds when  
18 she took it like he was having an orgasm.

19 Jordan Wright: Wright attempted to surf Lunada Bay in January 2015  
20 with Chris Claypool and Kenneth Claypool. He observed Blakeman  
21 harassing Chris and Ken. Wright was sitting on the outside waiting his turn  
22 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-  
23 foot-high wave and was up riding for several seconds. Alan Johnston  
24 paddled the wrong way on this wave, dropped in on him going the wrong  
25 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer  
26 while going the wrong way violates normal surf etiquette. Johnston then  
27 collided with Wright, and their leashes got tangled. After they surfaced from  
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1 the collision, Johnston then got close to Wright and yelled, "You had to  
2 fucking take that wave, didn't you!" The next wave that came through then  
3 broke Wright's leash plug and the board was carried into the rocks, which  
4 destroyed a new surfboard. Wright had to swim in over rocks to get his  
5 board and cut his hands on the rocks doing so. Wright is confident that  
6 Johnston attempted to purposefully injure him. What he did was extremely  
7 dangerous.

8 Wright has observed Blakeman on many occasions. Blakeman is easy  
9 to identify because he rides a kneeboard and he is regularly filming visitors  
10 on land with a camcorder. Wright believes his filming is an effort to intimidate  
11 visitors. In the water, Wright has observed what appears to be Blakeman  
12 directing other Bay Boys to sit close to visiting surfers. Wright has observed  
13 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to  
14 the visitors, impede their movements, block their surfing, kick at them,  
15 splash water at them, and dangerously drop in on them. In addition to  
16 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,  
17 Charlie Ferrara, and David Melo engage in this activity. These incidents are  
18 described in the declarations filed with Plaintiffs' motion for class  
19 certification.

20 Ken Claypool: has been harassed and filmed by Blakeman in an  
21 attempt to intimidate him at Lunada Bay on multiple occasions. In January  
22 2015, Claypool and his brother Chris Claypool along with Jordan Wright  
23 went to surf Lunada Bay. There were about five Lunada Bay locals in the  
24 water, including Blakeman who paddled over and threatened them. Claypool  
25 observed Blakeman intentionally drop in on Wright at least twice.

26 On February 5, 2016, Claypool went to Lunada Bay with Chris Taloa  
27 and Jordan Wright. There was a photographer from the Los Angeles Times  
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1 that was there. Also in attendance was Cory Spencer and Diana Reed.  
2 Spencer was there to watch the cars. Blakeman was there filming in an  
3 effort to intimidate visitors. Blakeman can be seen in one of the pictures  
4 taken by the photographer. Also present was Defendant Papayans. Plaintiffs  
5 are informed and believe that there was a text message sent that day to  
6 Papayans, Michael Theil and 11 other people stating that there were 5  
7 kooks standing on the bluff taking pictures, including Taloa. Plaintiffs are  
8 informed that the text states: "Things could get ugly. We all need to surf."  
9 These incidents are described in the declarations filed with Plaintiffs' motion  
10 for class certification.

11       Chris Claypool: he and his brother Ken and Jordan Wright attempted  
12 to surf Lunada Bay in January 2015. There were about five locals in the  
13 water, including Blakeman who paddled over and was yelling, "Try and catch  
14 a wave and see what happens. There is no fucking way you are getting a  
15 wave. Just go in. Just go. You better not cut me off." Blakeman looked  
16 possessed or possibly on drugs. His behavior got more bizarre throughout  
17 the morning. He seemed to be paddling for every wave that he could  
18 physically push himself into, perhaps to make a point, but he was wiping out  
19 a lot and falling down the face and tumbling across the rock reef. Blakeman  
20 looked dangerous to himself. When Blakeman would actually catch a wave  
21 in, he would paddle back to where Claypool and his brother were sitting, and  
22 continue his insane rant. On one occasion, Blakeman came less than 12  
23 inches from Claypool's ear and was screaming. It was so loud, Claypool had  
24 to put his fingers in his ear to protect them from being damaged. Claypool is  
25 a sound engineer and to put this in perspective, a rock concert creates about  
26 120 decibels of noise - this was louder; a jet engine creates about 150  
27 decibels. At one point Blakeman caught a wave and drew a line aiming right  
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1 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"  
2 as he narrowly missed Claypool's head. Claypool watched as Blakeman  
3 intentionally dropped in on Jordan at least twice. It seemed obvious to  
4 Claypool that Blakeman and the other Bay Boy wanted to make sure none of  
5 them were having fun. Because of the danger, they decided to leave.

6       When Claypool and his brother got out of water, they saw people  
7 gathering on top of the cliff. One person was videotaping them from the top  
8 of the cliff; it was clear to Claypool that he was doing this to try and  
9 intimidate them. The people were watching them from the cliff. It was  
10 obvious that Blakeman engaged in a concerted effort with other Bay Boys to  
11 obstruct his free passage and use in the customary manner of a public  
12 space. It also seemed clear that Blakeman engaged in a concerted effort  
13 with other Bay Boys to try and injure him. These incidents are described in  
14 the declarations filed with Plaintiffs' motion for class certification.

15       Jason Gersch: While observing the surf, Gersch was approached by  
16 two local Bay Boys named Peter McCollum and Brant Blakeman. These  
17 individuals made it known to Gersch that he could not surf there. These  
18 incidents are described in the declarations filed with Plaintiffs' motion for  
19 class certification.

20       Plaintiffs are informed and believe and on that basis allege that  
21 Defendant Blakeman and his attorneys are attempting to intimidate  
22 witnesses in this case. On at least two occasions, an investigator hired by  
23 Blakeman's attorneys contacted witnesses represented by Plaintiffs'  
24 attorneys. The investigator also showed up at the home of a reporter that  
25 has not been listed as a witness.

26       The request is premature. Because Blakeman and the other  
27 defendants are refusing to comply with their obligations to produce

1 documents under the federal rules and are impermissibly withholding  
2 evidence and/or possibly spoliating evidence, we are not able to fully  
3 respond to discovery requests which necessarily rely on our ability to fully  
4 investigate the facts. As discovery is continuing, Reed reserves the right to  
5 update this response.

6 **INTERROGATORY NO. 11:**

7 IDENTIFY ALL PERSONS that have knowledge of any facts that  
8 support plaintiffs' Seventh Cause of Action in the Complaint (Battery) against  
9 BRANT BLAKEMAN, and for each such PERSON identified state all facts  
10 you contend are within that PERSON's knowledge.

11 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 11:**

12 Responding Party objects to this interrogatory as premature. Because  
13 this interrogatory seeks or necessarily relies upon a contention, and  
14 because this matter is in its early stages and pretrial discovery has only just  
15 begun, Responding Party is unable to provide a complete response at this  
16 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,  
17 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at \*1; *Folz v. Union Pacific*  
18 *Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at \*1-2.; see  
19 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]  
20 interrogatory need not be answered until designated discovery is complete,  
21 or until a pretrial conference or some other time.").

22 Responding Party further objects to this interrogatory as unduly  
23 burdensome, harassing, and duplicative of information disclosed in  
24 Responding Party's Rule 26(a) disclosures and supplemental disclosures.  
25 Propounding Party may look to Responding Party's Rule 26(a) disclosures  
26 and supplemental disclosures for the information sought by this

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1 interrogatory. Moreover, Responding Party had the opportunity to depose  
2 Ms. Reed on this topic.

3        Responding Party further objects to this interrogatory as compound.  
4 This “interrogatory” contains multiple impermissible subparts, which  
5 Propounding Party has propounded to circumvent the numerical limitations  
6 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

7        Responding Party further objects to this interrogatory on the grounds  
8 that it seeks information that is outside of Responding Party's knowledge.

9        Responding Party further objects to the extent that this interrogatory  
10 invades attorney-client privilege and/or violates the work product doctrine by  
11 compelling Responding Party to disclose privileged communications and/or  
12 litigation strategy.

13        Subject to and without waiver of the foregoing objections, Responding  
14 Party responds as follows:

15        In addition to each defendant named in his individual capacity and  
16 other persons identified in Plaintiffs' initial and Supplemental Disclosures,  
17 and the evidence submitted in support of Plaintiffs motion for class  
18 certification, Responding Party identifies the following individuals:

19        Diana Reed: believes that Blakeman engaged in a concerted effort  
20 with other Bay Boys to obstruct the plaintiffs' and the publics' free passage  
21 and use in the customary manner of a public space. Reed also believes that  
22 Blakeman coordinated with other Bay Boys to harass and assault the  
23 plaintiffs and the public when they were visiting Lunada Bay. Reed believes  
24 that the conduct directed at the plaintiffs and others trying to surf Lunada  
25 Bay is part of an agreement among Blakeman and the other Bay Boys,  
26 which at a minimum, may be implied by the conduct of the parties and other  
27 members of the Bay Boys. Reed believes that the Bay Boys concerted

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1 efforts to stop the public from accessing the beach are documented in text  
2 messages and emails some of which have been destroyed or are being  
3 withheld by the Defendants in this case. For example, on February 5, 2016,  
4 Charles Mowat sent a text message to Defendant Brant Blakeman, Tom  
5 Sullivan, David Yoakley, Andy Patch, Defendant Michael Papayans and  
6 several others that said "There are 5 kooks standing on the bluff taking  
7 pictures...I think that same Taloa guy. Things could get ugly." A Los Angeles  
8 Times photographer captured a pictured of Defendant Blakeman of the bluff  
9 filming plaintiffs. Plaintiffs believe that the Bay Boys take photos and/or  
10 video tape people as a form of harassment and intimidation. For example,  
11 plaintiffs are also informed and believe that a Lunada Bay local named  
12 Joshua Berstein was taking pictures at the MLK 2014 paddle out. Plaintiffs  
13 are also informed and believe that Berstein told several people after he  
14 photographed them, "Now we know who you are." Plaintiffs believe that the  
15 conducted directed at Reed by Blakeman and the individual Bay Boys is  
16 because she is a woman. Plaintiff is informed and believes that there are  
17 numerous text messages where the Bay Boys refer to Reed as a "bitch" and  
18 make sexual comments about her.

19       The specific acts directed against Reed include but are not limited to  
20 the following:

21           i)      Reed went to Lunada Bay on January 29, 2016 with Jordan  
22 Wright. Reed had intended to surf at Lunada Bay that day because the  
23 conditions were such that she felt comfortable surfing. Immediately after  
24 they parked their car along the bluffs, the harassment began. Several men  
25 drove by and circled around their car. This was the day that she and Wright  
26 were harassed and intimidated by David Melo. Blakeman was recording  
27 them on land with his camera. It was very disturbing to Reed and made her  
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1 feel very uncomfortable. Plaintiffs are informed and believe that this was  
2 witnessed by John MacHarg.

3 ii) On or about February 12, 2016, The Los Angeles Times  
4 published an article called "Bay Boys surfer gang cannot block access to  
5 upscale beach, Coastal Commission says." Jordan Wright and Cory  
6 Spencer are quoted in the article. Mr. Wright and a few others had planned  
7 to surf Lunada Bay the following morning. Plaintiffs are informed and believe  
8 that Defendants Johnston and Blakeman learned that Jordan Wright and  
9 Diana Reed were going to Lunada Bay and planned to be there to harass  
10 them. On February 12, 2016, Defendant Alan Johnston sent the following  
11 text messages to an unknown recipient: "No fucking way Taloa is back this  
12 year" and "If u really wanna be a bay boy we might meet help tomm."

13 iii) On February 13, 2016, Reed returned to Lunada Bay with  
14 Jordan Wright to watch him surf and take photographs. Prior to her arrival,  
15 she contacted the Palos Verdes Estates Police and requested an escort  
16 from the bluffs to the beach. She was concerned about her safety given the  
17 January 29, 2016 incident. She was told that the police were unavailable  
18 and no officers were present when they arrived. When Reed and Wright  
19 reached the beach, they encountered angry locals who were yelling at them.  
20 Reed and Wright ignored the harassment and Wright got into the water to  
21 surf and Reed made her way to the Rock Fort where she planned to watch  
22 Wright and photograph him.

23 Approximately two hours after Reed had arrived at Lunada Bay, while  
24 she was standing in the Rock Fort taking photos, Blakeman and defendant  
25 Alan Johnston rushed into the fort and ran towards her in a hostile and  
26 aggressive manner. It seemed that they had coordinated and orchestrated  
27 the attack which completely caught Reed off guard. Blakeman was filming  
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1 Reed again, and at times, held his camera right in her face. It was  
2 intimidating and harassing to Reed, and she feared for her safety.

3       Reed asked Blakeman and Johnston why they were filming her,  
4 because it made her uncomfortable. Blakeman responded, "because I feel  
5 like it." Johnston responded, "because you're hot. Because you're fucking  
6 sexy baby, wooh!" Johnston then opened a can of beer in a purposeful  
7 way so that it sprayed Reed's arm and her camera. Reed, paralyzed with  
8 fear, was unable to leave the Rock Fort as Blakeman and Johnston were  
9 standing closest to the exit.

10           iii) Plaintiffs are informed and believe that after the incident  
11 Defendant Johnston started calling and/or texting other Lunada Bay locals to  
12 check for police to plan a getaway. At around 1:00 pm Brad Travers (Travers  
13 Tree Service) texted Johnston: "Don't see any cops at the top." Plaintiffs are  
14 informed and believe that later that day Johnston received a text from his  
15 mother asking him "What happened at the bay?" Johnston replied "Nothing  
16 happened really just couple of trolls they got nothing."

17           Reed further identifies the following individuals as having knowledge of  
18 concerted efforts by the Bay Boys, including Blakeman:

19           Cory Spencer: Cory Spencer and Chris Taloa went to surf Lunada  
20 Bay. Almost instantly after they arrived at Lunada Bay, they started getting  
21 harassed by Bay Boys. They were told that they couldn't surf there, and  
22 Spencer was called a "kook," which is a derogatory surfing term. Spencer  
23 was also told: "why don't you fucking go home, you fucking kook;" and was  
24 asked, "how many other good places did you pass to come here?" These  
25 are the same types of statements made by Defendant Sang Lee and others

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1 that can be observed on the video published by the Guardian.<sup>25</sup> These  
2 taunts started while Spencer and Taloa were on the bluffs getting ready to  
3 surf. One individual continued to heckle Spencer and Taloa on their way  
4 down to the beach and into the water.

5 Blakeman was already in the water and began paddling around  
6 Spencer and Taloa in a tight circle – staying just a few feet away from them.  
7 There was no legitimate reason for this conduct. Reed believes that this is a  
8 tactic used by the Bay Boys to harass people.<sup>26</sup> Blakeman impeded  
9 Spencer's movement in any direction and was intentionally blocking him  
10 from catching any waves. It was clear to Spencer that Blakeman was not  
11 there to surf that morning. Instead, his mission was to prevent Spencer and  
12 Taloa from surfing and to keep them from enjoying their time in the water,  
13 the open space, the waves, and nature. This the type of concerted effort was  
14 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep  
15 people from surfing at Lunada Bay. In the approximately 90 minutes that  
16 Spencer was in the water that day, Blakeman was focused on Spencer and  
17 Taloa and continued to shadow their movements and sit uncomfortably  
18 close to them. Spencer had never experienced anything like that before in  
19 his life. It was bizarre but also incredibly frightening and disturbing. It  
20 appeared to Spencer that Blakeman was coordinating his actions with a  
21 group of guys who were standing in the Rock Fort, along with others in the  
22 water. They were all talking to each other and it was clear they all knew  
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24  
25 <sup>25</sup> <https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video>.

26 <sup>26</sup> Plaintiffs are informed and believe that Defendant Papayans sent a text message describing similar conduct: "We just had a kook out in the water and me and Jack just sat on his ass."

1 each other.

2       At one point while Spencer was in the water and was paddling west  
3 out to the ocean, he saw a man surfing, coming in east towards the shore.  
4 The Bay Boy ran over his hand/wrist that was holding his surfboard and one  
5 of the fins on his surfboard sliced open his right wrist. Spencer has about a  
6 half-inch scar from where this man ran him over. As soon as the Bay Boy  
7 ran him over, he started berating Spencer, saying things like "what are you  
8 fucking doing out here? I told you to go home. I should have run you over.  
9 Why are you paddling in the sun glare where I can't see you?" The Bay Boy  
10 was pretending that he didn't see Spencer but it was obvious that he did and  
11 intentionally ran him over. With over 30 years of surfing experience, Spencer  
12 knew that this collision was intentional on his part. Fearful of being further  
13 injured at that point, and not wanting to get into an argument with him,  
14 Spencer just paddled away. Spencer and Taloa caught one more wave after  
15 that and then decided it was getting too dangerous to surf. More men started  
16 showing up at the Rock Fort and Spencer and Taloa were growing  
17 increasingly fearful for their safety. Spencer was also bleeding and in pain.  
18 These incidents are described in the declarations filed with Plaintiffs' motion  
19 for class certification and the deposition of Spencer.

20       Christopher Taloa: As set forth above, Taloa and Spencer went surfing  
21 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman  
22 shadowing Spencer's movement in the water. Blakeman was in the water  
23 with four or five other Lunada Bay Locals. At one point, Blakeman paddled  
24 toward Taloa, at which point Taloa told him that he was too close.  
25 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."  
26 Taloa kept moving in the water, and Blakeman attempted to keep up with  
27 him but was not in good enough shape to do so.

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1       Jen Bell: The incident described above was witnessed by a woman  
2 named Jen Bell who had gone to Lunada Bay that same day to photograph  
3 a guy from Malibu. When she attempted sit down on the beach with her  
4 pack, a man said: "You are practically sitting in a men's locker-room. You  
5 don't make me feel comfortable." Bell continued to sit there for another 10  
6 minutes because she refused to be intimated but eventually decided to head  
7 over to the fort because she saw another woman, Diana Reed, was taking  
8 photos. Bell was in the Rock Fort when Blakeman and Johnston arrived. It  
9 was obvious from the start that Johnston and Blakeman were there with the  
10 intent to harass Reed. Johnston was making rude comments to both her and  
11 Reed. Blakeman was putting the GoPro in their faces. Johnston was  
12 chugging multiple beers and it was early in the morning. Johnston asked her  
13 to help him with his wetsuit. He said "Can you help me with this?" and  
14 handed her the leg of his wetsuit. Johnston made moaning sounds when  
15 she took it like he was having an orgasm.

16       Jordan Wright: Wright attempted to surf Lunada Bay in January 2015  
17 with Chris Claypool and Kenneth Claypool. He observed Blakeman  
18 harassing Chris and Ken. Wright was sitting on the outside waiting his turn  
19 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-  
20 foot-high wave and was up riding for several seconds. Alan Johnston  
21 paddled the wrong way on this wave, dropped in on him going the wrong  
22 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer  
23 while going the wrong way violates normal surf etiquette. Johnston then  
24 collided with Wright, and their leashes got tangled. After they surfaced from  
25 the collision, Johnston then got close to Wright and yelled, "You had to  
26 fucking take that wave, didn't you!" The next wave that came through then  
27 broke Wright's leash plug and the board was carried into the rocks, which  
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1 destroyed a new surfboard. Wright had to swim in over rocks to get his  
2 board and cut his hands on the rocks doing so. Wright is confident that  
3 Johnston attempted to purposefully injure him. What he did was extremely  
4 dangerous.

5 Wright has observed Blakeman on many occasions. Blakeman is easy  
6 to identify because he rides a kneeboard and he is regularly filming visitors  
7 on land with a camcorder. Wright believes his filming is an effort to intimidate  
8 visitors. In the water, Wright has observed what appears to be Blakeman  
9 directing other Bay Boys to sit close to visiting surfers. Wright has observed  
10 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to  
11 the visitors, impede their movements, block their surfing, kick at them,  
12 splash water at them, and dangerously drop in on them. In addition to  
13 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,  
14 Charlie Ferrara, and David Melo engage in this activity. These incidents are  
15 described in the declarations filed with Plaintiffs' motion for class  
16 certification.

17 Ken Claypool: has been harassed and filmed by Blakeman in an  
18 attempt to intimidate him at Lunada Bay on multiple occasions. In January  
19 2015, Claypool and his brother Chris Claypool along with Jordan Wright  
20 went to surf Lunada Bay. There were about five Lunada Bay locals in the  
21 water, including Blakeman who paddled over and threatened them. Claypool  
22 observed Blakeman intentionally drop in on Wright at least twice.

23 On February 5, 2016, Claypool went to Lunada Bay with Chris Taloa  
24 and Jordan Wright. There was a photographer from the Los Angeles Times  
25 that was there. Also in attendance was Cory Spencer and Diana Reed.  
26 Spencer was there to watch the cars. Blakeman was there filming in an  
27 effort to intimidate visitors. Blakeman can be seen in one of the pictures

1 taken by the photographer. Also present was Defendant Papayans. Plaintiffs  
2 are informed and believe that there was a text message sent that day to  
3 Papayans, Michael Theil and 11 other people stating that there were 5  
4 kooks standing on the bluff taking pictures, including Taloa. Plaintiffs are  
5 informed that the text states: "Things could get ugly. We all need to surf."  
6 These incidents are described in the declarations filed with Plaintiffs' motion  
7 for class certification.

8       Chris Claypool: he and his brother Ken and Jordan Wright attempted  
9 to surf Lunada Bay in January 2015. There were about five locals in the  
10 water, including Blakeman who paddled over and was yelling, "Try and catch  
11 a wave and see what happens. There is no fucking way you are getting a  
12 wave. Just go in. Just go. You better not cut me off." Blakeman looked  
13 possessed or possibly on drugs. His behavior got more bizarre throughout  
14 the morning. He seemed to be paddling for every wave that he could  
15 physically push himself into, perhaps to make a point, but he was wiping out  
16 a lot and falling down the face and tumbling across the rock reef. Blakeman  
17 looked dangerous to himself. When Blakeman would actually catch a wave  
18 in, he would paddle back to where Claypool and his brother were sitting, and  
19 continue his insane rant. On one occasion, Blakeman came less than 12  
20 inches from Claypool's ear and was screaming. It was so loud, Claypool had  
21 to put his fingers in his ear to protect them from being damaged. Claypool is  
22 a sound engineer and to put this in perspective, a rock concert creates about  
23 120 decibels of noise - this was louder; a jet engine creates about 150  
24 decibels. At one point Blakeman caught a wave and drew a line aiming right  
25 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"  
26 as he narrowly missed Claypool's head. Claypool watched as Blakeman  
27 intentionally dropped in on Jordan at least twice. It seemed obvious to  
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1 Claypool that Blakeman and the other Bay Boy wanted to make sure none of  
2 them were having fun. Because of the danger, they decided to leave.

3       When Claypool and his brother got out of water, they saw people  
4 gathering on top of the cliff. One person was videotaping them from the top  
5 of the cliff; it was clear to Claypool that he was doing this to try and  
6 intimidate them. The people were watching them from the cliff. It was  
7 obvious that Blakeman engaged in a concerted effort with other Bay Boys to  
8 obstruct his free passage and use in the customary manner of a public  
9 space. It also seemed clear that Blakeman engaged in a concerted effort  
10 with other Bay Boys to try and injure him. These incidents are described in  
11 the declarations filed with Plaintiffs' motion for class certification.

12       Jason Gersch: While observing the surf, Gersch was approached by  
13 two local Bay Boys named Peter McCollum and Brant Blakeman. These  
14 individuals made it known to Gersch that he could not surf there. These  
15 incidents are described in the declarations filed with Plaintiffs' motion for  
16 class certification.

17       Plaintiffs are informed and believe and on that basis allege that  
18 Defendant Blakeman and his attorneys are attempting to intimidate  
19 witnesses in this case. On at least two occasions, an investigator hired by  
20 Blakeman's attorneys contacted witnesses represented by Plaintiffs'  
21 attorneys. The investigator also showed up at the home of a reporter that  
22 has not been listed as a witness.

23       The request is premature. Because Blakeman and the other  
24 defendants are refusing to comply with their obligations to produce  
25 documents under the federal rules and are impermissibly withholding  
26 evidence and/or possibly spoliating evidence, we are not able to fully  
27 respond to discovery requests which necessarily rely on our ability to fully  
28

1 investigate the facts. As discovery is continuing, Reed reserves the right to  
2 update this response.

3 **INTERROGATORY NO. 12:**

4 IDENTIFY ALL PERSONS that have knowledge of any facts that  
5 support plaintiffs' Eight Cause of Action in the Complaint (Negligence)  
6 against BRANT BLAKEMAN, and for each such PERSON identified state all  
7 facts you contend are within that PERSON's knowledge.

8 **SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 12:**

9 Responding Party objects to this interrogatory as premature. Because  
10 this interrogatory seeks or necessarily relies upon a contention, and  
11 because this matter is in its early stages and pretrial discovery has only just  
12 begun, Responding Party is unable to provide a complete response at this  
13 time, nor is it required to do so. See *Kmiec v. Powerwave Techs. Inc. et al.*,  
14 2014 WL 11512195 (C.D. Cal. Dec. 2, 2014) at \*1; *Folz v. Union Pacific  
Railroad Company*, 2014 WL 357929 (S.D. Cal. Jan. 31, 2014) at \*1-2.; see  
16 also Fed. R. Civ. P. 33(a)(2) ("the court may order that [a contention]  
17 interrogatory need not be answered until designated discovery is complete,  
18 or until a pretrial conference or some other time.").

19 Responding Party further objects to this interrogatory as unduly  
20 burdensome, harassing, and duplicative of information disclosed in  
21 Responding Party's Rule 26(a) disclosures and supplemental disclosures.  
22 Propounding Party may look to Responding Party's Rule 26(a) disclosures  
23 and supplemental disclosures for the information sought by this  
24 interrogatory. Moreover, Responding Party had the opportunity to depose  
25 Ms. Reed on this topic.

26 Responding Party further objects to this interrogatory as compound.  
27 This "interrogatory" contains multiple impermissible subparts, which  
28

1 Propounding Party has propounded to circumvent the numerical limitations  
2 on interrogatories provided by Federal Rule of Civil Procedure 33(a)(1).

3        Responding Party further objects to this interrogatory on the grounds  
4 that it seeks information that is outside of Responding Party's knowledge.

5        Responding Party further objects to the extent that this interrogatory  
6 invades attorney-client privilege and/or violates the work product doctrine by  
7 compelling Responding Party to disclose privileged communications and/or  
8 litigation strategy.

9        Subject to and without waiver of the foregoing objections, Responding  
10 Party responds as follows:

11        In addition to each defendant named in his individual capacity and  
12 other persons identified in Plaintiffs' initial and Supplemental Disclosures,  
13 and the evidence submitted in support of Plaintiffs motion for class  
14 certification, Responding Party identifies the following individuals:

15        Diana Reed: believes that Blakeman engaged in a concerted effort  
16 with other Bay Boys to obstruct the plaintiffs' and the publics' free passage  
17 and use in the customary manner of a public space. Reed also believes that  
18 Blakeman coordinated with other Bay Boys to harass and assault the  
19 plaintiffs and the public when they were visiting Lunada Bay. Reed believes  
20 that the conduct directed at the plaintiffs and others trying to surf Lunada  
21 Bay is part of an agreement among Blakeman and the other Bay Boys,  
22 which at a minimum, may be implied by the conduct of the parties and other  
23 members of the Bay Boys. Reed believes that the Bay Boys concerted  
24 efforts to stop the public from accessing the beach are documented in text  
25 messages and emails some of which have been destroyed or are being  
26 withheld by the Defendants in this case. For example, on February 5, 2016,  
27 Charles Mowat sent a text message to Defendant Brant Blakeman, Tom

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1 Sullivan, David Yoakley, Andy Patch, Defendant Michael Papayans and  
2 several others that said "There are 5 kooks standing on the bluff taking  
3 pictures...I think that same Taloa guy. Things could get ugly." A Los Angeles  
4 Times photographer captured a pictured of Defendant Blakeman of the bluff  
5 filming plaintiffs. Plaintiffs believe that the Bay Boys take photos and/or  
6 video tape people as a form of harassment and intimidation. For example,  
7 plaintiffs are also informed and believe that a Lunada Bay local named  
8 Joshua Berstein was taking pictures at the MLK 2014 paddle out. Plaintiffs  
9 are also informed and believe that Berstein told several people after he  
10 photographed them, "Now we know who you are." Plaintiffs believe that the  
11 conducted directed at Reed by Blakeman and the individual Bay Boys is  
12 because she is a woman. Plaintiff is informed and believes that there are  
13 numerous text messages where the Bay Boys refer to Reed as a "bitch" and  
14 make sexual comments about her.

15 The specific acts directed against Reed include but are not limited to  
16 the following:

17 i) Reed went to Lunada Bay on January 29, 2016 with Jordan  
18 Wright. Reed had intended to surf at Lunada Bay that day because the  
19 conditions were such that she felt comfortable surfing.<sup>27</sup> Immediately after  
20 they parked their car along the bluffs, the harassment began. Several men  
21 drove by and circled around their car. This was the day that she and Wright  
22 were harassed and intimidated by David Melo. Blakeman was recording  
23 them on land with his camera. It was very disturbing to Reed and made her  
24

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25  
26 <sup>27</sup> Plaintiffs are informed and believe that there were text message sent on  
27 January 29, 2016 asking Defendant Papayans "Where are you? Kooks  
28 trying to get to the Bay." Plaintiffs are informed and believe that Papayans  
responded with a "LOL" and said he would be there.

1 feel very uncomfortable. Plaintiffs are informed and believe that this was  
2 witnessed by John MacHarg.

3       ii)     On or about February 12, 2016, The Los Angeles Times  
4 published an article called "Bay Boys surfer gang cannot block access to  
5 upscale beach, Coastal Commission says." Jordan Wright and Cory  
6 Spencer are quoted in the article. Mr. Wright and a few others had planned  
7 to surf Lunada Bay the following morning. Plaintiffs are informed and believe  
8 that Defendants Johnston and Blakeman learned that Jordan Wright and  
9 Diana Reed were going to Lunada Bay and planned to be there to harass  
10 them. On February 12, 2016, Defendant Alan Johnston sent the following  
11 text messages to an unknown recipient: "No fucking way Taloa is back this  
12 year" and "If u really wanna be a bay boy we might meet help tomm."

13       iii)    On February 13, 2016, Reed returned to Lunada Bay with  
14 Jordan Wright to watch him surf and take photographs. Prior to her arrival,  
15 she contacted the Palos Verdes Estates Police and requested an escort  
16 from the bluffs to the beach. She was concerned about her safety given the  
17 January 29, 2016 incident. She was told that the police were unavailable  
18 and no officers were present when they arrived. When Reed and Wright  
19 reached the beach, they encountered angry locals who were yelling at them.  
20 Reed and Wright ignored the harassment and Wright got into the water to  
21 surf and Reed made her way to the Rock Fort where she planned to watch  
22 Wright and photograph him.

23           Approximately two hours after Reed had arrived at Lunada Bay, while  
24 she was standing in the Rock Fort taking photos, Blakeman and defendant  
25 Alan Johnston rushed into the fort and ran towards her in a hostile and  
26 aggressive manner. It seemed that they had coordinated and orchestrated  
27 the attack which completely caught Reed off guard. Blakeman was filming  
28

1 Reed again, and at times, held his camera right in her face. It was  
2 intimidating and harassing to Reed, and she feared for her safety.

3       Reed asked Blakeman and Johnston why they were filming her,  
4 because it made her uncomfortable. Blakeman responded, "because I feel  
5 like it." Johnston responded, "because you're hot. Because you're fucking  
6 sexy baby, wooh!" Johnston then opened a can of beer in a purposeful  
7 way so that it sprayed Reed's arm and her camera. Reed, paralyzed with  
8 fear, was unable to leave the Rock Fort as Blakeman and Johnston were  
9 standing closest to the exit.

10           iii) Plaintiffs are informed and believe that after the incident  
11 Defendant Johnston started calling and/or texting other Lunada Bay locals to  
12 check for police to plan a getaway. At around 1:00 pm Brad Travers (Travers  
13 Tree Service) texted Johnston: "Don't see any cops at the top." Plaintiffs are  
14 informed and believe that later that day Johnston received a text from his  
15 mother asking him "What happened at the bay?" Johnston replied "Nothing  
16 happened really just couple of trolls they got nothing."

17       Reed further identifies the following individuals as having knowledge of  
18 concerted efforts by the Bay Boys, including Blakeman:

19           Cory Spencer: Cory Spencer and Chris Taloa went to surf Lunada  
20 Bay. Almost instantly after they arrived at Lunada Bay, they started getting  
21 harassed by Bay Boys. They were told that they couldn't surf there, and  
22 Spencer was called a "kook," which is a derogatory surfing term. Spencer  
23 was also told: "why don't you fucking go home, you fucking kook;" and was  
24 asked, "how many other good places did you pass to come here?" These  
25 are the same types of statements made by Defendant Sang Lee and others

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1 that can be observed on the video published by the Guardian.<sup>28</sup> These  
2 taunts started while Spencer and Taloa were on the bluffs getting ready to  
3 surf. One individual continued to heckle Spencer and Taloa on their way  
4 down to the beach and into the water.

5 Blakeman was already in the water and began paddling around  
6 Spencer and Taloa in a tight circle – staying just a few feet away from them.  
7 There was no legitimate reason for this conduct. Reed believes that this is a  
8 tactic used by the Bay Boys to harass people.<sup>29</sup> Blakeman impeded  
9 Spencer's movement in any direction and was intentionally blocking him  
10 from catching any waves. It was clear to Spencer that Blakeman was not  
11 there to surf that morning. Instead, his mission was to prevent Spencer and  
12 Taloa from surfing and to keep them from enjoying their time in the water,  
13 the open space, the waves, and nature. This the type of concerted effort was  
14 described by Charlie Ferrara to Reed as the way the Bay Boys act to keep  
15 people from surfing at Lunada Bay. In the approximately 90 minutes that  
16 Spencer was in the water that day, Blakeman was focused on Spencer and  
17 Taloa and continued to shadow their movements and sit uncomfortably  
18 close to them. Spencer had never experienced anything like that before in  
19 his life. It was bizarre but also incredibly frightening and disturbing. It  
20 appeared to Spencer that Blakeman was coordinating his actions with a  
21 group of guys who were standing in the Rock Fort, along with others in the  
22 water. They were all talking to each other and it was clear they all knew  
23

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24  
25 <sup>28</sup> <https://www.theguardian.com/travel/video/2015/may/18/california-surf-wars-lunada-bay-localism-video>.

26 <sup>29</sup> Plaintiffs are informed and believe that Defendant Papayans sent a text  
27 message describing similar conduct: "We just had a kook out in the water  
28 and me and Jack just sat on his ass."

1 each other.

2       At one point while Spencer was in the water and was paddling west  
3 out to the ocean, he saw a man surfing, coming in east towards the shore.  
4 The Bay Boy ran over his hand/wrist that was holding his surfboard and one  
5 of the fins on his surfboard sliced open his right wrist. Spencer has about a  
6 half-inch scar from where this man ran him over. As soon as the Bay Boy  
7 ran him over, he started berating Spencer, saying things like "what are you  
8 fucking doing out here? I told you to go home. I should have run you over.  
9 Why are you paddling in the sun glare where I can't see you?" The Bay Boy  
10 was pretending that he didn't see Spencer but it was obvious that he did and  
11 intentionally ran him over. With over 30 years of surfing experience, Spencer  
12 knew that this collision was intentional on his part. Fearful of being further  
13 injured at that point, and not wanting to get into an argument with him,  
14 Spencer just paddled away. Spencer and Taloa caught one more wave after  
15 that and then decided it was getting too dangerous to surf. More men started  
16 showing up at the Rock Fort and Spencer and Taloa were growing  
17 increasingly fearful for their safety. Spencer was also bleeding and in pain.  
18 These incidents are described in the declarations filed with Plaintiffs' motion  
19 for class certification and the deposition of Spencer.

20       Christopher Taloa: As set forth above, Taloa and Spencer went surfing  
21 at Lunada Bay and were harassed by Blakeman. Taloa witnessed Blakeman  
22 shadowing Spencer's movement in the water. Blakeman was in the water  
23 with four or five other Lunada Bay Locals. At one point, Blakeman paddled  
24 toward Taloa, at which point Taloa told him that he was too close.  
25 Blakeman replied, "This is the ocean. We are surfing. I can be wherever."  
26 Taloa kept moving in the water, and Blakeman attempted to keep up with  
27 him but was not in good enough shape to do so.

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1           Jen Bell: The incident described above was witnessed by a woman  
2 named Jen Bell who had gone to Lunada Bay that same day to photograph  
3 a guy from Malibu. When she attempted sit down on the beach with her  
4 pack, a man said: "You are practically sitting in a men's locker-room. You  
5 don't make me feel comfortable." Bell continued to sit there for another 10  
6 minutes because she refused to be intimated but eventually decided to head  
7 over to the fort because she saw another woman, Diana Reed, was taking  
8 photos. Bell was in the Rock Fort when Blakeman and Johnston arrived. It  
9 was obvious from the start that Johnston and Blakeman were there with the  
10 intent to harass Reed. Johnston was making rude comments to both her and  
11 Reed. Blakeman was putting the GoPro in their faces. Johnston was  
12 chugging multiple beers and it was early in the morning. Johnston asked her  
13 to help him with his wetsuit. He said "Can you help me with this?" and  
14 handed her the leg of his wetsuit. Johnston made moaning sounds when  
15 she took it like he was having an orgasm.

16           Jordan Wright: Wright attempted to surf Lunada Bay in January 2015  
17 with Chris Claypool and Kenneth Claypool. He observed Blakeman  
18 harassing Chris and Ken. Wright was sitting on the outside waiting his turn  
19 for waves. By regular surfing norms, he had priority. He caught a 10- to 12-  
20 foot-high wave and was up riding for several seconds. Alan Johnston  
21 paddled the wrong way on this wave, dropped in on him going the wrong  
22 way on the wave, and yelled, "Oh no, you don't!" Dropping in on a surfer  
23 while going the wrong way violates normal surf etiquette. Johnston then  
24 collided with Wright, and their leashes got tangled. After they surfaced from  
25 the collision, Johnston then got close to Wright and yelled, "You had to  
26 fucking take that wave, didn't you!" The next wave that came through then  
27 broke Wright's leash plug and the board was carried into the rocks, which  
28

1 destroyed a new surfboard. Wright had to swim in over rocks to get his  
2 board and cut his hands on the rocks doing so. Wright is confident that  
3 Johnston attempted to purposefully injure him. What he did was extremely  
4 dangerous.

5 Wright has observed Blakeman on many occasions. Blakeman is easy  
6 to identify because he rides a kneeboard and he is regularly filming visitors  
7 on land with a camcorder. Wright believes his filming is an effort to intimidate  
8 visitors. In the water, Wright has observed what appears to be Blakeman  
9 directing other Bay Boys to sit close to visiting surfers. Wright has observed  
10 Bay Boys who seem to be assigned to visiting surfers—they'll sit too close to  
11 the visitors, impede their movements, block their surfing, kick at them,  
12 splash water at them, and dangerously drop in on them. In addition to  
13 Blakeman, he has seen Michael Papayans, Sang Lee, Alan Johnston,  
14 Charlie Ferrara, and David Melo engage in this activity. These incidents are  
15 described in the declarations filed with Plaintiffs' motion for class  
16 certification.

17 Ken Claypool: has been harassed and filmed by Blakeman in an  
18 attempt to intimidate him at Lunada Bay on multiple occasions. In January  
19 2015, Claypool and his brother Chris Claypool along with Jordan Wright  
20 went to surf Lunada Bay. There were about five Lunada Bay locals in the  
21 water, including Blakeman who paddled over and threatened them. Claypool  
22 observed Blakeman intentionally drop in on Wright at least twice.

23 On February 5, 2016, Claypool went to Lunada Bay with Chris Taloa  
24 and Jordan Wright. There was a photographer from the Los Angeles Times  
25 that was there. Also in attendance was Cory Spencer and Diana Reed.  
26 Spencer was there to watch the cars. Blakeman was there filming in an  
27 effort to intimidate visitors. Blakeman can be seen in one of the pictures

1 taken by the photographer. Also present was Defendant Papayans. Plaintiffs  
2 are informed and believe that there was a text message sent that day to  
3 Papayans, Michael Theil and 11 other people stating that there were 5  
4 kooks standing on the bluff taking pictures, including Taloa. Plaintiffs are  
5 informed that the text states: "Things could get ugly. We all need to surf."  
6 These incidents are described in the declarations filed with Plaintiffs' motion  
7 for class certification.

8       Chris Claypool: he and his brother Ken and Jordan Wright attempted  
9 to surf Lunada Bay in January 2015. There were about five locals in the  
10 water, including Blakeman who paddled over and was yelling, "Try and catch  
11 a wave and see what happens. There is no fucking way you are getting a  
12 wave. Just go in. Just go. You better not cut me off." Blakeman looked  
13 possessed or possibly on drugs. His behavior got more bizarre throughout  
14 the morning. He seemed to be paddling for every wave that he could  
15 physically push himself into, perhaps to make a point, but he was wiping out  
16 a lot and falling down the face and tumbling across the rock reef. Blakeman  
17 looked dangerous to himself. When Blakeman would actually catch a wave  
18 in, he would paddle back to where Claypool and his brother were sitting, and  
19 continue his insane rant. On one occasion, Blakeman came less than 12  
20 inches from Claypool's ear and was screaming. It was so loud, Claypool had  
21 to put his fingers in his ear to protect them from being damaged. Claypool is  
22 a sound engineer and to put this in perspective, a rock concert creates about  
23 120 decibels of noise - this was louder; a jet engine creates about 150  
24 decibels. At one point Blakeman caught a wave and drew a line aiming right  
25 at Claypool. Another Bay Boy tried the same thing and said "mother fucker"  
26 as he narrowly missed Claypool's head. Claypool watched as Blakeman  
27 intentionally dropped in on Jordan at least twice. It seemed obvious to  
28

1 Claypool that Blakeman and the other Bay Boy wanted to make sure none of  
2 them were having fun. Because of the danger, they decided to leave.

3       When Claypool and his brother got out of water, they saw people  
4 gathering on top of the cliff. One person was videotaping them from the top  
5 of the cliff; it was clear to Claypool that he was doing this to try and  
6 intimidate them. The people were watching them from the cliff. It was  
7 obvious that Blakeman engaged in a concerted effort with other Bay Boys to  
8 obstruct his free passage and use in the customary manner of a public  
9 space. It also seemed clear that Blakeman engaged in a concerted effort  
10 with other Bay Boys to try and injure him. These incidents are described in  
11 the declarations filed with Plaintiffs' motion for class certification.

12       Jason Gersch: While observing the surf, Gersch was approached by  
13 two local Bay Boys named Peter McCollum and Brant Blakeman. These  
14 individuals made it known to Gersch that he could not surf there. These  
15 incidents are described in the declarations filed with Plaintiffs' motion for  
16 class certification.

17       Plaintiffs are informed and believe and on that basis allege that  
18 Defendant Blakeman and his attorneys are attempting to intimidate  
19 witnesses in this case. On at least two occasions, an investigator hired by  
20 Blakeman's attorneys contacted witnesses represented by Plaintiffs'  
21 attorneys. The investigator also showed up at the home of a reporter that  
22 has not been listed as a witness.

23       The request is premature. Because Blakeman and the other  
24 defendants are refusing to comply with their obligations to produce  
25 documents under the federal rules and are impermissibly withholding  
26 evidence and/or possibly spoliating evidence, we are not able to fully  
27 respond to discovery requests which necessarily rely on our ability to fully  
28

1 investigate the facts. As discovery is continuing, Reed reserves the right to  
2 update this response.

3

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5 DATED: Febuaryd 24, 2017 OTTEN LAW, PC

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10 By: /s/Victor Otten  
11 VICTOR OTTEN  
12 KAVITA TEKCHANDANI  
13 Attorneys for Plaintiffs  
14 CORY SPENCER, DIANA MILENA  
REED, and COASTAL PROTECTION  
RANGERS, INC.

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1 PROOF OF SERVICE

2 *Spencer, et al. v. Lunada Bay Boys, et al.*

3 U.S.D.C. for the Central District of California

4 Case No. 2:16-cv-02129-SJO (RAOx)

5 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

6 At the time of service, I was over 18 years of age and not a party to  
7 this action. I am employed in the County of Los Angeles, State of California.  
8 My business address is: 3620 Pacific Coast Highway, Suite 100, Torrance,  
CA 90505.

9 On February 24, 2017, I served the original or a true copy of the  
10 following document(s) described as:

11 **PLAINTIFF DIANA MILENA REED'S (FURTHER) SUPPLEMENTAL  
12 RESPONSE TO INTERROGATORIES, SET ONE PROPOUNDED BY  
13 DEFENDANT BRANT BLAKEMAN**

14 on the interested parties in this action as follows:

15 **SEE ATTACHED SERVICE LIST**

16 **BY MAIL:** I enclosed the document(s) in a sealed envelope or  
17 package addressed to the persons at the addresses listed in the Service List  
and placed the envelope for collection and mailing, following our ordinary  
business practices. I am readily familiar with Hanson Bridgett LLP's practice  
for collecting and processing correspondence for mailing. On the same day  
that correspondence is placed for collection and mailing, it is deposited in  
the ordinary course of business with the United States Postal Service, in a  
sealed envelope with postage fully prepaid.

18 I declare under penalty of perjury under the laws of the United States  
19 of America that the foregoing is true and correct and that I am employed in  
the office of a member of the bar of this Court at whose direction the service  
was made.

20 Executed on **February 24, 2017**, at Torrance, California.

21  
22 */s/ Victor Otten*

23 Victor Otten

1 **SERVICE LIST**

2 *Spencer, et al. v. Lunada Bay Boys, et al.*  
3 U.S.D.C. for the Central District of California  
4 Case No. 2:16-cv-02129-SJO (RAOx)

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